

## PART I

# FEDERAL REGISTER

VOLUME 25

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**Announcement****CFR SUPPLEMENTS**

(As of January 1, 1960)

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Title 46, Parts 146-149 (Revised)..... 6.00

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10863

#### AUTHORIZING THE ATTORNEY GENERAL TO SEIZE ARMS AND MUNITIONS OF WAR, AND OTHER ARTICLES, PURSUANT TO SECTION 1 OF TITLE VI OF THE ACT OF JUNE 15, 1917, AS AMENDED

By virtue of the authority vested in me by section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401), it is ordered as follows:

SECTION 1. The Attorney General is hereby designated under section 1 of Title VI of the act of June 15, 1917, as amended by section 1 of the act of August 13, 1953, as a person duly authorized to seize and detain arms or munitions of war or other articles, and to seize and detain any vessel, vehicle, or aircraft containing such items or which has been, or is being, used in exporting or attempting to export such arms or munitions of war or other articles, whenever an attempt is made to export or ship from or take out of the United States such arms or munitions of war or other articles in violation of law, or whenever it is known, or there is probable cause to believe, that such arms or munitions of war or other articles are intended to be, or are being or have been, exported or removed from the United States in violation of law.

SEC. 2. The authority conferred upon the Attorney General by section 1 of this order may be exercised by any officer of the Department of Justice designated for such purpose by the Attorney General.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
February 18, 1960.

[F.R. Doc. 60-1665; Filed, Feb. 19, 1960;  
9:36 a.m.]

### Executive Order 10864

#### DESIGNATING THE PAN AMERICAN HEALTH ORGANIZATION AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Pan American Health Organization pursuant to the authority of the Pan American Sanitary Convention ratified by the President on March 28, 1925, with the advice and consent of the Senate given on February 23, 1925 (44 Stat. 2031, TS 714), I hereby designate the Pan American Health Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The designation of the Pan American Health Organization as a public international organization within the meaning of the International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, and immunities which that organization may have acquired or may acquire by treaty or congressional action.

The designation of the Pan American Health Organization made by this order shall be deemed to include the designation of the Pan American Sanitary Bureau. The designation of the Pan American Sanitary Bureau made by Executive Order No. 9751 of July 11, 1946, is hereby superseded, and that order is amended accordingly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
February 18, 1960

[F.R. Doc. 60-1666; Filed, Feb. 19, 1960;  
9:36 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 185]

#### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

##### § 914.485 Navel Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges;

it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1960.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 21, 1960, and ending at 12:01 a.m., P.s.t., February 28, 1960, are hereby fixed as follows:

- (i) District 1: 600,000 cartons;
- (ii) District 2: 500,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 19, 1960.

S. R. SMITH,  
*Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.*

[F.R. Doc. 60-1683; Filed, Feb. 19, 1960;  
11:18 a.m.]

[Lemon Reg. 834]

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

##### § 953.941 Lemon Regulation 834.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 21, 1960, and ending at 12:01 a.m., P.s.t., February 28, 1960, are hereby fixed as follows:

- (i) District 1: 9,300 cartons;
- (ii) District 2: 190,650 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 18, 1960.

S. R. SMITH,  
*Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.*

[F.R. Doc. 60-1660; Filed, Feb. 19, 1960;  
8:59 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 281; Amdt. 104]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing 707 Aircraft

Several recent cases of cracks in foreflaps other than outboard foreflaps of Boeing 707 aircraft have been reported. Previously, only the outboard foreflaps had been reported as subject to cracking and inspection of those foreflaps is required by a previous airworthiness directive. In view of these recent cases, since all foreflaps are structurally similar and are subjected to approximately equal in-flight stresses, inspection of all other foreflaps except the two stub foreflaps is being required by this airworthiness directive.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is amended as follows:

**Boeing.** Applies to all Model 707 Series aircraft.

Due to recent failures of the wing foreflaps, the following shall be accomplished:

(a) At intervals not to exceed 65 hours time in service, inspect all foreflaps except the two outboard foreflap sections (P/N's 65-7360-3007 through 65-7360-3010, 65-7360-3023, and 65-7360-3024<sup>1</sup>) on the outboard flaps as follows:

(1) Conduct detail visual inspection of foreflaps for any evidence of cracking.

(2) By use of borescope or equivalent, inspect interior web, flanges and cutouts on both inboard and outboard end ribs for cracks or other damage.

(b) Any foreflap showing evidence of cracking or other damage must be replaced or repaired in accordance with FAA approved manufacturer's instructions prior to next flight.

(c) The special inspections in (a) above may be discontinued when an inertia damper P/N's 69-11124-1 (left wing) and 69-11124-2 (right wing) has been installed on the foreflaps.

(Boeing Service Bulletin No. 546 (R-2) dated November 18, 1959, covers criteria on the same subject.)

Issued in Washington, D.C., on February 16, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-1591; Filed, Feb. 19, 1960; 8:45 a.m.]

<sup>1</sup>Foreflaps, P/N's 65-7360-3007, 65-7360-3008, 65-7360-3023, and 65-7360-3024 are covered by another airworthiness directive. (Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

[Regulatory Docket No. 282; Amdt. 105]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing 707 Aircraft

Airworthiness directive 59-8-2 (24 F.R. 4651) required an operating limitation on all Boeing 707-100 Series aircraft with Bendix Flux Gate Compass System. Subsequent to the adoption of the airworthiness directive, it has been determined that the fuselage body mounted flux gates perform satisfactorily. Therefore, AD 59-8-2 is being amended to except aircraft in which the flux gate is installed in the fuselage body.

Since the amendment imposes no additional burden and may relieve some operators of the necessity for complying with AD 59-8-2 notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is amended as follows:

59-8-2 Boeing 707-100 Series aircraft as it appeared in 24 F.R. 4651 is revised by changing the final paragraph to read as follows:

The foregoing limitation does not apply to aircraft in which the magnetic sensing device (flux gate) is installed in the fuselage body by the manufacturer or installed in accordance with Boeing 707 Service Bulletin No. 587 "Bendix Compass System Flux Gate Relocation", which describes a satisfactory and approved means of mounting the flux valves.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 16, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-1592; Filed, Feb. 19, 1960; 8:45 a.m.]

[Regulatory Docket No. 191; Amdt. 106]

## PART 507—AIRWORTHINESS DIRECTIVES

### Wright C9HD Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of Wright C9HD engine master rod assemblies was published in 24 F.R. 9746.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Objections were received to having a date by which the modification must be accomplished. Since the failures experienced were on engines with relatively low time, it was decided that, in the interest of safety, the engines could not be permitted to operate until overhaul regardless of the elapsed time. In order to permit a reasonable time to procure parts and accomplish the modification, the final compliance date is set for October 31, 1960.

Comments also were received which pertained to C9HD engines not used in helicopters. Since the affected engines are used only in helicopters, this is being stated in the airworthiness directive to eliminate any further misunderstanding.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

**WRIGHT ENGINES.** Applies to all Wright 977C9HD1, 2 and 3 engine models installed in helicopters.

Compliance required at first engine overhaul after March 15, 1960 but not later than October 31, 1960.

To alleviate failures of the master rod assemblies, strengthened master and articulating rods with associated parts must be installed in accordance with the instructions contained in Wright Aeronautical Division Service Bulletin No. C9-353.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 16, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-1594; Filed, Feb. 19, 1960; 8:46 a.m.]

[Regulatory Docket No. 207; Amdt. 107]

## PART 507—AIRWORTHINESS DIRECTIVES

### Bendix MI-51B Amspeaker

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring removal of carbon resistors in certain Bendix MI-51B Amspeakers, was published in 24 F.R. 10118.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**BENDIX.** Applies to all aircraft public address speaker systems using the Bendix MI-51B Amspeaker, Serial Numbers 1001 to 1201, which have carbon resistors in parallel with or in lieu of wire wound resistors R-103 and R-106. (Serial Numbers 1001 to 1051 may have been so modified in service.)

Compliance required by June 1, 1960.

Failures have occurred where the speaker cone of the MI-51B was destroyed by fire as a result of overheating of these carbon resistors, thus creating a possible hazardous condition. Due to the seriousness of the fire hazard associated with these failures, any carbon resistors paralleled with or substituted for resistors R-103 and R-106 shall be removed in accordance with either of the following methods:

(a) Method No. 1. Clip out 3.9 ohm carbon resistors connected across wire wound resistors R-103 and R-106. (Removal of these resistors will reduce the audio output by approximately 10 percent.)

(b) Method No. 2. Replace each of the parallel networks composed of 3.9 ohm carbon resistors in parallel with wire wound resistor R-103 and R-106, with a 0.75 ohm wire wound resistor ( $\pm 5$  percent,  $\frac{1}{2}$  W).

(Bendix Service Bulletin No. N-273 dated July 8, 1959 covers the same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 16, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-1595; Filed, Feb. 19, 1960;  
8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2050]

[54329]

#### LOUISIANA

#### Vacating Petroleum Reserve No. 4

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of December 15, 1908, withdrawing the public lands in Townships 15 to 23 North, Ranges 10 to 16 West, Louisiana Meridian, in aid of legislation, is hereby revoked.

2. The Executive order of July 2, 1910, confirming, as to the lands hereinafter described, the withdrawal described in paragraph 1, above, and reserving the lands for classification and in aid of legislation as Petroleum Reserve No. 4, is hereby revoked:

#### LOUISIANA PRINCIPAL MERIDIAN

T. 17 N., R. 10 W.  
T. 18 N., R. 10 W.  
T. 18 N., Rs. 14 to 16 W.  
T. 19 N., Rs. 14 to 16 W.  
T. 20 N., Rs. 14 to 16 W.  
T. 21 N., Rs. 14 to 16 W.  
T. 22 N., R. 15 W.  
T. 22 N., R. 16 W.  
T. 23 N., R. 15 W.  
T. 23 N., R. 16 W.

The areas described aggregate approximately 414,720 acres.

3. Most of the lands have been patented, some with a reservation of minerals to the United States. Because of the large area involved, no attempt has been made to identify the remaining public lands, other than those described in paragraph 5 of this order. However, it is estimated that less than 1,000 acres of public land remain, most of which may be the subject of various private claims.

4. The surveyed public domain lands were made subject to appropriation, location, selection, entry or purchase, if otherwise available under the nonmineral public land laws, with a reservation of the minerals to the United States, by the act of July 17, 1914 (38 Stat. 509;

30 U.S.C. 121). All of the public lands have been open to applications and offers under the mineral leasing laws and to locations for metalliferous minerals. They will be open to location for non-metalliferous minerals, if otherwise available, subject to valid existing rights, at 10:00 a.m. on August 15, 1960.

5. The plat of dependent resurvey and extension survey of the following described lands was accepted April 14, 1959 and officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective at 10:00 a.m. on July 17, 1959:

T. 17 N., R. 10 W.,	
Sec. 14,	Acres
Lot 6.....	20.70
Lot 7.....	3.65
Lot 8.....	47.08
Lot 9.....	5.06
Lot 10.....	47.27
Lot 11.....	33.86
Lot 12.....	14.22
Lot 13.....	.26
Lot 14.....	20.18
Lot 15.....	1.60
Sec. 23,	
Lot 1.....	20.11

Totalling 213.97 acres.

6. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 5 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications and selections will be recognized as follows:

(1) Until 10:00 a.m. on August 15, 1960, the State of Louisiana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of Section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2) and the regulations in 43 CFR.

(2) All valid applications under the nonmineral public land laws, other than from the State under subparagraph (1) above, presented at or before 10:00 a.m. on March 22, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation will receive priority over conflicting applications.

7. Lot 8 may be the subject of a claim under the Color of Title Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068, 1068a) as amended by the act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068a). The remaining lands have been in use as the Lake Bisteneaux State Park, and portions have been improved by the State of Louisiana.

8. The lands have been classified to be either valuable for or prospectively valuable for oil and gas. Therefore, any

disposition of available lands shall continue to be subject to the requirements of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121), with a reservation of these minerals to the United States.

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

ROGER ERNST,  
Secretary of the Interior.

FEBRUARY 15, 1960.

[F.R. Doc. 60-1599; Filed, Feb. 19, 1960;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter I—Federal Procurement Regulations

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 is amended in the following respects.

#### PART 1-1—GENERAL

A new Subpart 1-1.11 is added, as follows:

#### Subpart 1-1.11—Qualified Products

##### § 1-1.1101 Procurement of qualified products.

(a) Whenever procurement of qualified products is to be made, only bids or proposals offering products which have been qualified prior to the opening of advertised bids or the award of negotiated contracts shall be considered in making an award. Manufacturers having products which have been qualified but which are not yet included on the qualified products list involved, should be given consideration and an opportunity to offer evidence of such qualification in the time interval before award must be made. (Other instructions concerning establishment of qualified products lists, qualification of products, etc., are contained in General Services Administration Regulation 1-VI, Part 2.)

(b) Whenever procurement of qualified products is to be made by formal advertising, the following provision shall be inserted in invitations for bids:

#### QUALIFIED PRODUCTS

With respect to products described in this invitation as requiring qualification, awards will be made only for such products as have, prior to the time set for opening of bids, been tested and approved for inclusion in the qualified products list identified below. Manufacturers who wish to have a product tested for qualification are urged to communicate with the office designated below. Manufacturers having products not yet listed, but which have been qualified, are requested to submit evidence of such qualification with their bids, so that they may be given consideration.

[Identify the Qualified Products List involved and give the name and address of the office with which manufacturers should communicate.]

(c) The provision in section 1-1.1101 (b) shall be appropriately modified and

used in requests for proposals when procurement of qualified products is to be made by negotiation.

#### FORMAL ADVERTISING

Section 1-2.302 is repealed (revised material on the same subject matter is contained in new section 1-2.303). New Part 1-2 is added, as follows:

### PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

- Sec.  
1-2.000 Scope of part.
- Subpart 1-2.1—Use of Formal Advertising**
- 1-2.101 Meaning of formal advertising.  
1-2.102 Policy.  
1-2.103 General requirements for formally advertised contracts.  
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1-2.104-1 General.  
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1-2.104-4 Indefinite delivery-type contracts.  
1-2.105 Solicitation for informational or planning purposes.
- Subpart 1-2.2—Solicitation of Bids**
- 1-2.201 Preparation of invitations for bids.  
1-2.202 Miscellaneous rules for solicitation of bids.  
1-2.202-1 Bidding time.  
1-2.202-2 Telegraphic bids.  
1-2.202-3 Place and method of delivery of supplies.  
1-2.203 Methods of soliciting bids.  
1-2.203-1 Mailing or delivering to prospective bidders.  
1-2.203-2 Displaying in public places.  
1-2.203-3 Publicity in newspapers and trade journals.  
1-2.203-4 Synopses of invitations for bids.  
1-2.204 Records of invitations for bids and records of bids.  
1-2.205 Bidders mailing lists.  
1-2.205-1 Establishment of lists.  
1-2.205-2 Removal of names from bidders mailing lists.  
1-2.205-3 Reinstatement on bidders mailing lists.  
1-2.205-4 Excessively long bidders mailing lists.  
1-2.205-5 Release of bidders mailing lists.  
1-2.206 Small business and labor surplus area set-asides.  
1-2.207 Amendment of invitations for bids.  
1-2.208 Cancellation of invitations before opening.  
1-2.209 Qualified products.
- Subpart 1-2.3—Submission of Bids**
- 1-2.301 Responsiveness of bids.  
1-2.302 Time of bid submission.  
1-2.303 Late bids.  
1-2.303-1 General.  
1-2.303-2 Consideration for award.  
1-2.303-3 Mailed bids.  
1-2.303-4 Telegraphic bids.  
1-2.303-5 Hand-carried bids.  
1-2.303-6 Notification to late bidders.  
1-2.303-7 Disposition of late bids.  
1-2.303-8 Records.  
1-2.304 Modification or withdrawal of bids.  
1-2.305 Late modifications and withdrawals.
- Subpart 1-2.4—Opening of Bids and Award of Contract**
- 1-2.401 Receipt and safeguarding of bids.  
1-2.402 Opening of bids.  
1-2.403 Recording of bids.  
1-2.404 Rejection of bids.  
1-2.404-1 Cancellation of invitation after opening.  
1-2.404-2 Rejection of individual bids.

- Sec.  
1-2.404-3 Notice to bidders of rejection of all bids.  
1-2.404-4 [Reserved]  
1-2.404-5 All or none qualifications.  
1-2.405 Minor informalities or irregularities in bids.  
1-2.406 Mistakes in bids.  
1-2.406-1 General.  
1-2.406-2 Apparent clerical mistakes.  
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1-2.407 Award.  
1-2.407-1 General.  
1-2.407-2 Responsible bidder.  
1-2.407-3 Discounts.  
1-2.407-4 Price escalation.  
1-2.407-5 Other factors to be considered.  
1-2.407-6 [Reserved]  
1-2.407-7 Statement and certificate of award.  
1-2.408 Information to bidders.

AUTHORITY: §§ 1-2.000 to 1-2.408 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

#### § 1-2.000 Scope of part.

This part sets forth (a) the basic requirements for procurement of personal property and nonpersonal services (including construction) by formal advertising, (b) the information to be contained in solicitations of bids, (c) methods in soliciting bids, (d) policies with respect to the submission of bids, and (e) requirements with respect to the opening and evaluation of bids and the awarding of contracts.

#### Subpart 1-2.1—Use of Formal Advertising

##### § 1-2.101 Meaning of formal advertising.

Formal advertising means procurement by competitive bids and awards, as prescribed in this Part 1-2, and involves the following basic steps:

(a) Preparation of the invitations for bids, describing the requirements of the Government clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents (whether attached or incorporated by reference) furnished prospective bidders for the purpose of bidding.

(b) Publicizing the invitation for bids through distribution to prospective bidders, posting in public places, and such other means as may be appropriate, in sufficient time to enable prospective bidders to prepare and submit bids before the time set for public opening of bids.

(c) Submission of bids by prospective contractors.

(d) Awarding the contract, after bids are publicly opened, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered (or rejecting all bids).

##### § 1-2.102 Policy.

Basic Government procurement law provides that all contracts for property and services, with certain stated exceptions, shall be made by formal advertising. (See Subpart 1-3.2 for discussion of the exceptions.) In accordance with

this requirement, procurements shall generally be made by soliciting bids from all qualified sources of supplies or services deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required property or services. Current lists of bidders shall be maintained in accordance with section 1-2.205.

##### § 1-2.103 General requirements for formally advertised contracts.

No contract shall be deemed to have been made by formal advertising unless:

(a) Bids have been solicited as required by Subpart 1-2.2;

(b) Bids have been submitted as required by Subpart 1-2.3; and

(c) Determination has been made as to the responsible bidder (see section 1-1.310) whose bid is responsive to the invitation for bids and is most advantageous to the Government, price and other factors considered, and award is made as prescribed in Subpart 1-2.4.

##### § 1-2.104 Types of contracts.

###### § 1-2.104-1 General.

Procurement contracts awarded after formal advertising shall be of the firm fixed-price type, except that fixed-price contracts with escalation may be used where some flexibility is necessary and feasible.

###### § 1-2.104-2 Firm fixed-price contracts.

See section 1-3.403-1.

###### § 1-2.104-3 Fixed-price contracts with escalation.

Escalation clauses are not normally desirable, but in appropriate cases clauses providing for upward and downward revision of prices may be used, in accordance with section 1-3.403-2, in order to protect the interest of both the Government and contractor. In addition, where the contracting officer, on the basis of his knowledge of the market or previous advertisements for like items, expects that a requirement for firm fixed-price bids will unnecessarily restrict competition or unreasonably increase bid prices, invitations for bids may include an escalation clause approved by the agency concerned. Any escalation clause shall provide an escalation ceiling identical for all bidders so that each bidder is afforded an equal opportunity to bid on the escalation basis. In evaluating bids, see section 1-2.407-4.

###### § 1-2.104-4 Indefinite delivery-type contracts.

(a) Definite quantity contracts. See section 1-3.405-5(a).

(b) Requirements contracts. See section 1-3.405-5(b).

(c) Indefinite quantity contracts. See section 1-3.405-5(c).

##### § 1-2.105 Solicitation for informational or planning purposes.

See section 1-1.314.

#### Subpart 1-2.2—Solicitation of Bids

##### § 1-2.201 Preparation of invitations for bids.

Forms used in inviting bids are prescribed in Subparts 1-16.1 and 1-16.4. Invitations for bids shall contain the ap-



applicable information in paragraphs (a) and (b) of this section 1-2.201, and any other information required for a particular procurement.

(a) For supply and service contracts, including construction, invitations for bids shall contain the following information if applicable to the procurement involved.

(1) Invitation number.  
(2) Name and address of issuing activity.

(3) Date of issuance.

(4) Date, hour, and place of opening. (Prevailing local time shall be used. See section 1-2.202-1 concerning bidding time.)

(5) Number of pages.

(6) Where required by agency procedures, requisition or other purchase authority, and appropriation and accounting data.

(7) A description of supplies or services to be furnished under each item in sufficient detail to permit proper competition. Such description shall comply with sections 1-1.305 and 1-1.307.

(8) The time of delivery or performance requirements.

(9) Permission, if any, to submit telegraphic bids (see section 1-2.202-2).

(10) Permission, if any, to submit alternative bids, including alternative material or design.

(11) [Reserved]

(12) Bid guarantee, performance and payment bond requirements, if any. If a bid guarantee is required, see instructions in section 1-2.404-2(f).

(13) Any authorized special provisions relating to Government-furnished property proposed to be furnished for the performance of the contract.

(14) Where the contracting officer has reason to believe that Government property may be employed, a provision that if the bidder plans to use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of the invitation for bids, the bidder shall so state in the bid and, upon request of the contracting officer, submit evidence that a facilities contract or other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon.

(15) When considered necessary by the contracting officer, a requirement that all bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the invitation for bids, and that bids offering less than the minimum stipulated acceptance period will be rejected. The minimum period so stipulated should be no more than reasonably required for evaluation of bids and other preaward processing. To accomplish the foregoing, a paragraph substantially as follows may be included in the invitation for bids:

*Bid acceptance period.* Bids offering less than ----- days for acceptance by the Government from the date set for opening will be considered nonresponsive and will be rejected.

(16) In unusual cases, where bidders are required to have special technical

qualifications due to the complexity of the equipment being procured or for some other special reason, a statement of such required qualifications and a provision requiring the bidder to state that it meets such qualifications.

(17) Any authorized special provisions, necessary for the particular procurement, relating to such matters as progress payments, patent licenses, liquidated damages, escalation, Buy American Act, etc.

(18) Any additional contract provisions or conditions required by law or regulation.

(19) Any applicable wage determinations of the Secretary of Labor (for construction, alteration, or repair contracts).

(20) If Government costs or expenditures other than bid prices are to be considered in the evaluation of bids, such factors must be identified and included.

(21) If the invitation for bids contains a price escalation clause, include a provision reflecting the requirements of section 1-2.407-4(b).

(22) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference.

(23) Pending revision of paragraphs 3 and 4 of the Terms and Conditions of the Invitation for Bids on the back of Standard Forms 30 (October 1957 edition) and 33 (October 1957 edition), and paragraph 7 of Standard Form 22 (March 1953 edition), the following provision shall be substituted, as to each form, in lieu of the cited paragraphs.

*Late bids and modifications or withdrawals.* Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered, unless they are received before award and (a) submitted by mail (or by telegraph, if authorized) and (b) it is determined by the Government that late receipt was due solely to either (i) delay in the mails (or by the telegraph company, if telegraphic bids are authorized) for which the bidder was not responsible or (ii) mishandling by the Government after receipt at the Government installation. However, a modification which is received from an otherwise successful bidder and which makes the terms of the bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) For supply and services contracts, excluding construction, invitations for bids shall contain the following, in addition to the information required by section 1-2.201(a), if applicable to the procurement involved.

(1) Discount provisions (see section 1-2.407-3).

(2) The quantity of supplies or services to be furnished under each item, and any provision for quantity variation.

(3) Any requirement for prior testing and qualification of a product, when the item to be purchased is on a qualified products list (see Subpart 1-1.11).

(4) When needed for the purpose of bid evaluation, pre-award surveys, or inspection, a requirement that bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. Where it is reasonably anticipated

that producing facilities will be used in the performance of the contract, or where the Government requires the information, bidders will be required to state (a) the full address of principal producing facilities (if designation of such address is not feasible, a full explanation will be required) and (b) names and addresses of owner and operator, if other than bidder.

(5) Place and method of delivery (see section 1-2.202-3).

(6) Preservation, packaging, packing, and marking requirements, if any.

(7) Place, method, and conditions of inspection.

(8) If no award will be made for less than the full quantities advertised, a statement to that effect.

(9) If award is to be made by specified groups of items or in the aggregate, a statement to that effect.

(10) If the invitation for bids gives the Government an option to increase or decrease quantities specified, a statement of the maximum percentage of such increase or decrease.

(11) Any applicable requirements for samples or descriptive material.

#### § 1-2.202 Miscellaneous rules for solicitation of bids.

##### § 1-2.202-1 Bidding time.

(a) *Policy.* Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to permit prospective bidders to prepare and submit bids. This will facilitate competition on reasonable and equal terms. Undue limitation of bidding time tends to restrict competition. Also, when prospective bidders do not have adequate time for computing prices and obtaining needed information on which to base their bids, higher prices to the Government may result from inclusion of unnecessary contingency allowances or the unwillingness of some to submit bids.

(b) *Factors to be considered.* The urgency of the Government's need for the items or services, the complexity of the invitation, the extent of subcontracting anticipated, the use of pre-invitation notices, the geographic distribution of bidders, the normal time for mail transmission of both invitations and bids, and other related factors, must be considered in establishing bidding time. For example, a bidding time of 30 days may be inadequate when bidders are required to prepare special drawings, designs, and samples, or to obtain quotations from several suppliers and subcontractors, as frequently is the case in construction and production contracts. Conversely, a bidding time of 15 days may be adequate when bids would reasonably be expected to be based on stocks-on-hand, or current regular production, or service personnel and facilities regularly available (as in the case of maintenance and repair of structures, and similar work.)

(c) *Minimum bidding time.* As a general rule, bidding time shall be not less than 15 calendar days when procuring



standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. This rule need not be observed in special circumstances, or where the urgency for the supplies or services does not permit such delay. Procurement activities shall develop procedures for assuring that these bidding time requirements are observed.

#### § 1-2.202-2 Telegraphic bids.

As a general rule, telegraphic bids will not be authorized. However, when in the judgment of the contracting officer the date set for opening of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms, or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized the invitation for bids shall require the bidder to include in the telegraphic bid specific reference to the invitation, the items or sub-items, quantities, and unit prices for which the bid is submitted, the time and place of delivery, and a statement that the bidder agrees to all the terms, conditions, and provisions of the invitation. In order that the contract may be executed on the proper forms, the invitation for bids will also provide that telegraphic bids should be confirmed on the prescribed form and submitted promptly to the contracting officer.

#### § 1-2.202-3 Place and method of delivery of supplies.

(a) Invitations for bids solicited f.o.b. origin shall state that bids will be evaluated on the basis of bid price plus transportation cost to the Government from point of origin to one or more designated destinations.

(b) Invitations for bids solicited f.o.b. origin or destination shall include as much of the following information as is pertinent to the particular procurement and shall require bidders to furnish the Government such of the following information as may be appropriate:

(1) Method of shipment, such as rail, water, air, or truck.

(2) Minimum quantities or lots, such as less than carload, less than truck load, carload, or truck load. (Where appropriate, the invitation should elicit information of the minimum size of shipments which the prospective supplier will make, so that freight evaluation may be on a realistic basis. The supplier should be cautioned that, if it ships in lesser quantities, it may be charged with any excess costs resulting.)

(3) Guaranteed shipping weight. Bidders should be required to furnish information regarding shipping weight and cube of items to be procured so that proper transportation costs can be computed. (The bidder should be cautioned that, if actual shipping weights or cubes vary from the guarantees, it may be charged with any excess costs resulting.)

(4) Packing, crating, and other preparations.

(5) Transit privileges. (Traffic management personnel can furnish necessary information and analysis of situations

where transit privileges may be beneficial.)

(6) Any other shipping information required for evaluation.

(c) When the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, such as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place(s) or zone(s) shall be designated in the known geographical sector of delivery as the place to which transportation costs will be computed in determining the low bidder. The invitation should specify that bids will be submitted f.o.b. origin and that shipment will be made on Government bill of lading. So that prospective bidders may understand the method of evaluation to be used, the invitation shall contain a provision substantially as follows:

For the purpose of evaluating bids (and for no other purpose), the final destinations for the supplies will be considered to be as follows: [insert destination(s)].

#### § 1-2.203 Methods of soliciting bids.

##### § 1-2.203-1 Mailing or delivering to prospective bidders.

Invitations for bids or pre-invitation notices (see section 1-2.205-4(c)) shall be mailed (or delivered) to a sufficient number of prospective bidders so as to elicit adequate competition. Invitations for bids may be mailed for informational purposes to Government agencies, including procurement information offices, or to such other organizations as may be authorized by agency procedures.

##### § 1-2.203-2 Displaying in public places.

Copies of unclassified invitations for bids shall be displayed at the procuring office and/or at other appropriate public places.

##### § 1-2.203-3 Publicity in newspapers and trade journals.

(a) *Free publicity.* A brief announcement of the proposed procurement, or copies of unclassified invitations for bids, may be made available for free publication to newspapers and to trade journals and magazines.

(b) *Paid advertisements.* Paid advertisements in newspapers and trade journals shall be contracted for in accordance with agency procedures pursuant to 5 U.S.C. 22a; 44 U.S.C. 321, 322, and 324; and Title 7, Chapter 5200, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

##### § 1-2.203-4 Synopses of invitations for bids.

Synopses of invitations for bids shall be prepared and publicized in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards," in accordance with agency procedures.

##### § 1-2.204 Records of invitations for bids and records of bids.

Each agency shall retain a record of every invitation for bids issued and distributed by it and of each abstract or record of bids. The file of the invitation

for bids should show the distribution which was made and the date thereof.

#### § 1-2.205 Bidders mailing lists.

##### § 1-2.205-1 Establishment of lists.

(a) Bidders mailing lists shall be established by procuring activities to assure access to adequate sources of supply and service except where the requirements of the procuring activity can be obtained within the local trade area through utilization of simplified small purchase procedures (see Subpart 1-3.6) or are nonrecurring.

(b) All eligible and qualified concerns which have submitted bidders mailing list applications, or which the procuring activity considers capable of filling the requirements of a particular procurement, shall be placed on the appropriate bidders mailing list. Planned producers under the Industrial Readiness Planning Program shall be included on the bidders mailing list for their planned items.

(c) Bidder's Mailing List Application (Standard Form 129) shall be used for obtaining information needed, as prescribed in section 1-16.802, in the establishment and maintenance of bidders mailing lists.

##### § 1-2.205-2 Removal of names from bidders mailing lists.

(a) The name of each concern failing to respond to an invitation for bids, or pre-invitation notice (see section 1-2.205-4(c)), may be removed from the bidders mailing list without notice to the concern, but only for the item or items involved in such invitation or notice. Where a concern fails to respond to two consecutive invitations for bids or pre-invitation notices, its name shall be removed from the bidders mailing list to the extent indicated above, except that, in individual cases, concerns thus failing to respond may be retained on a bidders mailing list if such retention is considered to be in the best interests of the Government. Both actual bids and written requests for retention on the bidders mailing lists are "responses" to invitations for bids or pre-invitation notices.

(b) The names of concerns which have been (1) debarred from entering into Government contracts or (2) otherwise determined to be ineligible to receive an award of a Government contract, shall be removed from the bidders mailing lists to the extent required by such debarment or determination of ineligibility.

##### § 1-2.205-3 Reinstatement on bidders mailing lists.

Concerns which have been removed from bidders mailing lists may be reinstated upon request or by filing a new application on Standard Form 129. No concern which is debarred or ineligible shall be reinstated during the period of debarment or while ineligible.

##### § 1-2.205-4 Excessively long bidders lists.

(a) *General.* To prevent excessive administrative costs of a procurement, mailing lists should be used in a way which will promote competition commensurate with the dollar value of the

purchase to be made. As much of the mailing list will be used as is compatible with efficiency and economy in securing adequate competition as required by law. Where the number of bidders on a mailing list is considered excessive in relation to a specific procurement, the list may be reduced by any method consistent with the foregoing, including those described in paragraphs (b) and (c) of this section. The fact that less than an entire mailing list is used shall not in itself preclude furnishing of bidding sets to others upon request therefor, or consideration of bids received from bidders who were not invited to bid.

(b) *Rotation of lists.* Mailing lists may be rotated, but to do so will require considerable judgment as to whether the size of the transaction justifies the rotation. In rotating a list, the interests of small business and the existence of labor surplus areas shall be considered.

(c) *Pre-invitation notices.* In lieu of initially forwarding complete bid sets, the procuring activity may send pre-invitation notices to concerns on the mailing list. The notice shall (1) specify the date by which bidders should return the notice in order to receive a complete bid set, (2) describe the requirement so as to furnish a complete item description and a condensation of other essential information to provide concerns with an intelligible basis for judging whether they have an interest in the procurement, and (3) expressly notify concerns that if no bid is to be submitted they should advise the issuing office in writing if future invitations are desired for the type of supplies or services involved. Drawings, plans, and specifications normally will not be furnished with the pre-invitation notice. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets will be sent to concerns which request them. This procedure is particularly suitable to major purchasing activities where lengthy invitations for bids and long bidders lists are common.

#### § 1-2.205-5 Release of bidders mailing lists.

(a) [Reserved]

(b) When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bona fide interest in such information, may be supplied, upon request, with a list of all prospective bidders furnished copies of the plans and specifications.

#### § 1-2.206 Small business and labor surplus area set-asides.

See Subpart 1-1.7 and section 1-3.201

(b).

#### § 1-2.207 Amendment of invitations for bids.

(a) If after issuance of invitations for bids but before the time set for opening of bids it becomes necessary to make changes in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished

by issuance of an amendment to the invitation for bids.

(b) Each amendment issued to an invitation for bid shall:

(1) Be serially numbered, using a separate series of numbers for each invitation for bids concerned.

(2) Include the number of the invitation for bids concerned.

(3) Clearly state the changes made in the invitation for bids and the extension of the opening date, if any. If no extension of the time set for opening is involved, the amendment shall so state.

(4) Include instructions to bidders for acknowledging receipt of the amendment and information concerning the effect of failure to acknowledge or return the amendment.

(c) Before issuing an amendment to an invitation for bids, the period of time remaining until the time set for opening and, the need for extending this period by postponing the time set for opening must be considered. Where only a short time remains before the time set for opening, consideration should be given to notifying bidders of an extension of time by telegraph or telephone. Such notification should be confirmed in the amendment.

(d) Any information given to a prospective bidder concerning an invitation for bids shall be furnished promptly to all other prospective bidders, as an amendment to the invitation, if such information is necessary to bidders in submitting bids on the invitation or if the lack of such information would be prejudicial to uninformed bidders. No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

#### § 1-2.208 Cancellation of invitations before opening.

(a) Cancellation of an invitation for bids usually involves the loss of time, effort, and money spent by the Government and bidders in carrying the procurement process up to the point of cancellation. Invitations for bids should not be cancelled unless cancellation is clearly in the public interest, such as where there is no longer a requirement for the material or service or where amendments to the invitation would be of such magnitude that a new invitation is desirable. Where an invitation is cancelled, bids which have been received shall be returned unopened to the bidders and a notice of cancellation shall be sent to all prospective bidders to whom invitations for bids were issued.

(b) The notice of cancellation shall identify the invitation for bids; briefly explain the reason the invitation is being cancelled; and, where appropriate, assure prospective bidders that they will be given an opportunity to bid on any resolicitation of bids or any future requirements for the type of material or services involved. The cancellation shall be recorded in accordance with section 1-2.403.

#### § 1-2.209 Qualified products.

See Subpart 1-1.11.

### Subpart 1-2.3—Submission of Bids

#### § 1-2.301 Responsiveness of bids.

(a) To be considered for award, a bid must comply in all material respects with the invitation for bids so that, both as to the method and timeliness of submission and as to the substance of any resulting contract, all bidders may stand on an equal footing and the integrity of the formal advertising system may be maintained.

(b) Telegraphic bids shall not be considered unless permitted by the invitation for bids.

(c) Bids should be filled out, executed, and submitted in accordance with the instructions which are contained in the invitation for bids. If a bidder uses its own bid form or a letter to submit a bid, the bid may be considered only if (1) the bidder accepts all the terms and conditions of the invitation, and (2) award on the bid would result in a binding contract, the terms and conditions of which do not vary from the terms and conditions of the invitation.

#### § 1-2.302 Time of bid submission.

Bids shall be submitted so as to be received in the office designated in the invitations for bids not later than the exact time set for opening of bids.

#### § 1-2.303 Late bids.

##### § 1-2.303-1 General.

Bids received at the office designated in the invitation for bids after the exact time set for opening of bids are late bids. Late bids shall not be considered for award except as authorized in this section 1-2.303.

##### § 1-2.303-2 Consideration for award.

A late bid shall be considered for award only if received before award; and either:

(a) It is determined that its lateness was due solely to:

(1) Delay in the mails for which the bidder was not responsible; or

(2) Delay by the telegraph company for which the bidder was not responsible, where the invitation for bids specifically authorized telegraphic bids; or

(b) It is determined that the bid, if submitted by mail or telegram (where authorized), was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening, and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated.

##### § 1-2.303-3 Mailed bids.

(a) The time of mailing of late bids shall be determined as follows:

(1) The date and hour shown in a post office cancellation stamp or in a stamp affixed by an approved metering device shall be considered as the time of mailing.

(2) In the event of conflict between a post office cancellation stamp and a stamp of a metering device, the post office cancellation stamp shall govern.

(3) Except as provided in subparagraphs (5) and (6) of this paragraph, if

the envelope or other outer covering shows the date but not the hour of mailing, the time of mailing shall be considered to be the last minute of the date shown.

(4) Except as provided in subparagraphs (5) and (6), of this paragraph, if the envelope or other outer covering does not show the date of mailing, the bid shall be presumed to have been mailed too late to be received in time.

(5) Information regarding the date and hour of mailing of registered mail, when not ascertainable from the post office cancellation stamp, shall be obtained from the postal authorities indicated in paragraph (b) of this section. The time of registration of registered mail is prima facie evidence of the time of mailing.

(6) Notwithstanding subparagraphs (1) through (5) of this paragraph, if the bidder, before award, demonstrates the date and hour of mailing by clear and convincing evidence, which includes substantiation by the post office of mailing, the date and hour thus demonstrated shall be considered the time of mailing.

(b) Information concerning the normal time for mail delivery, and concerning registered mail, shall be obtained by the procuring activity from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office serving that activity. When time permits, such information shall be obtained in writing.

#### § 1-2.303-4 Telegraphic bids.

A late telegraphic bid shall be presumed to have been filed with the telegraph company too late to be received in time, except where the bidder demonstrates by clear and convincing evidence, which includes substantiation by an authorized official of the telegraph company, that the bid, as received at the office designated in the invitation for bids, was filed with the telegraph company in sufficient time to have been delivered by normal transmission procedure so as not to have been late.

#### § 1-2.303-5 Hand-carried bids.

A late hand-carried bid, or any other late bid not submitted by mail or telegram, shall not be considered for award.

#### § 1-2.303-6 Notification to late bidders.

Upon receipt of any late bid which is received before award, but which, on the basis of available information, cannot be considered for award under section 1-2.303-2, the bidder shall be notified promptly that its bid was received late. Such notification shall include substantially the following information:

Your bid in response to Invitation for Bids No. \_\_\_\_\_ dated \_\_\_\_\_, was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless clear and convincing evidence (including substantiation by the post office of mailing) is submitted promptly (and in any event before award) showing that late receipt was due solely to delay in the mails for which you were not responsible.

The foregoing notification shall be appropriately modified in the case of late telegraphic bids.

#### § 1-2.303-7 Disposition of late bids.

A late bid which is not for consideration shall be held unopened until after award and then returned to the bidder (unless other disposition is requested or agreed to by the bidder). However, an unidentified late bid may be opened solely for identification purposes, but it shall be resealed immediately and no information contained therein disclosed.

#### § 1-2.303-8 Records.

The following shall, if available, be included in the contracting office files with respect to each late bid:

(a) A statement of the date and hour of mailing or filing.

(b) A statement of the date and hour of receipt.

(c) The determination of whether or not the late bid was considered for award, with supporting facts.

(d) A statement of the disposition of the late bid.

(e) The envelope, or other covering, if the late bid was considered for award.

#### § 1-2.304 Modification or withdrawal of bids.

Bids may be modified or withdrawn by written or telegraphic notice received prior to the exact time set for opening of bids. In addition, a bid may be withdrawn in person by a bidder or his authorized representative, providing his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for opening of bids. Modifications received by telegram shall be sealed in an envelope and no information contained therein shall be disclosed prior to the time set for bid opening.

#### § 1-2.305 Late modifications and withdrawals.

(a) Modifications of bids and requests for withdrawal of bids which are received at the office designated in the invitation for bids after the exact time specified for opening are "late modifications" and "late withdrawals," respectively. A late modification or late withdrawal shall be subject to the rules applicable to late bids set forth in sections 1-2.303-3 through 1-2.303-5, and shall be considered as being effective only if it is received before award; and either:

(1) It is determined that its lateness was due solely to:

(i) Delay in the mails for which the bidder was not responsible; or

(ii) Delay in telegraphic transmission for which the bidder was not responsible; or

(2) It is determined that the modification or withdrawal, if submitted by mail or telegram, was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time specified for opening and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated: *Provided, however, A modification received from an otherwise successful bidder which is favorable to the Government and which would not be prejudicial to other bidders shall be con-*

sidered at any time that such modification is received.

(b) Upon receipt of any late modification or late withdrawal which is received before award, but which, on the basis of available information, cannot be considered effective under this section 1-2.305(a), the bidder shall be notified promptly that its modification or request for withdrawal was received late. Such notification shall contain substantially the following information:

The (modification) (request for withdrawal) of your bid dated \_\_\_\_\_, in response to Invitation for Bids No. \_\_\_\_\_, dated \_\_\_\_\_, was received after the time for opening specified in the Invitation. Accordingly, your (modification) (request for withdrawal) will not be considered effective unless clear and convincing evidence (including substantiation by the post office of mailing) is submitted promptly (and in any event before award) showing that late receipt was due solely to delay in the mails for which you were not responsible.

The foregoing notification shall be appropriately modified in the case of late modifications or late requests for withdrawals received by telegraph.

(c) Late modifications or late requests for withdrawals, which are not considered as being effective, shall be disposed of in the same manner as stated for late bids in section 1-2.303-7. Any modification received from an otherwise successful bidder shall be opened so as to determine whether it should be considered as stated in the proviso in section 1-2.305(a).

(d) Records of late modifications and late withdrawals shall be maintained in accordance with the record requirements for late bids in section 1-2.303-8.

### Subpart 1-2.4—Opening of Bids and Award of Contract

#### § 1-2.401 Receipt and safeguarding of bids.

(a) All bids (including modifications) received prior to the time set for opening shall be kept unopened, except as stated in section 1-2.401(b), and secure in a locked bid box or other locked receptacle. Prior to bid opening, information concerning the identity and number of bids received shall be made available only to Government employees who have a proper need for such information. When bid samples are submitted, they shall be handled with sufficient care to prevent disclosure of characteristics before bid opening.

(b) Unidentified bids may be opened solely for the purpose of identification and then only by an authorized official. If a sealed bid is opened by mistake, the person who opens the bid will immediately write his signature and position title on the envelope and deliver it to the proper official. This official shall immediately write on the envelope an explanation of the opening, the date and time opened, the invitation for bid number, and his signature. Bids opened by mistake or for identification purposes shall be resealed in the envelope and no information contained therein shall be disclosed prior to the public bid opening.

#### § 1-2.402 Opening of bids.

(a) The official designated as the bid opening officer shall decide when the

time set for bid opening has arrived and shall so declare to those present. All bids received prior to the time set for opening shall then be publicly opened and, when practicable, read aloud to the persons present, and be recorded. If it is impracticable to read the entire bid, as where many items are involved, the total amount bid shall be read, if feasible. The original of each bid shall be carefully safeguarded, particularly until the abstract of bids required by section 1-2.403 has been made and its accuracy verified.

(b) Performance of the procedure in section 1-2.402(a) may be delegated to an assistant, but the bid opening officer remains fully responsible for the actions of such assistant.

(c) Examination of bids by interested persons shall be permitted if it does not interfere unduly with the conduct of Government business. However, original bids shall not be allowed to pass out of the hands of a Government official unless duplicate copies of such bids are not available for public inspection. In such cases, the original bids may be examined by the public only under the immediate supervision of a Government official and under conditions which preclude possibility of a substitution, addition, deletion, or alteration in the bids.

#### **§ 1-2.403 Recording of bids.**

The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation, shall be entered in an abstract or record which, except in the case of a classified procurement, shall be available for public inspection. When the items are too numerous to warrant the recording of all bids completely, an entry shall be made of the invitation number, opening date, general description of the procurement items, and the total price bid where definite quantities are involved. The record or abstract shall be completed as soon as practicable after the bids have been opened and read. The bid opening officer shall certify the accuracy of the record or abstract. If the invitation for bids is cancelled before the time set for bid opening, this fact shall be recorded, together with a statement of the number of concerns invited to bid and the number of bids received.

#### **§ 1-2.404 Rejection of bids.**

##### **§ 1-2.404-1 Cancellation of invitation after opening.**

(a) Preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation. Every effort shall be made to anticipate changes in a requirement prior to the date of opening and to notify all prospective bidders of any resulting modification or cancellation, thereby permitting bidders to change their bids and preventing unnecessary exposure of bid prices. As a general rule, after opening, an invitation for bids should not be cancelled and readvertised due solely to increased requirements for the items being

procured. Award should be made on the initial invitation for bids and the additional quantity should be treated as a new procurement.

(b) Invitations for bids may be cancelled after opening but prior to award, and all bids rejected, where such action is consistent with section 1-2.404-1(a) and the contracting officer determines in writing that cancellation is in the best interest of the Government for reasons such as the following:

(1) Inadequate, ambiguous, or otherwise deficient specifications were cited in the invitation for bids.

(2) The supplies or services are no longer required.

(3) The invitation for bids did not provide for consideration of all factors of cost to the Government, such as cost of transporting Government-furnished property to bidders' plants.

(4) Bids received indicate that the needs of the Government can be satisfied by a less expensive article differing from that on which the bids were invited.

(5) All otherwise acceptable bids received are at unreasonable prices. (See section 1-3.214 concerning authority to negotiate in such situations.)

(6) The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith. (See section 1-3.214 concerning authority to negotiate in such situations and Subpart 1-1.9 for reports to be made to the Department of Justice.)

(c) Should administrative difficulties be encountered after bid opening which may delay award beyond bidders' acceptance periods, the several lowest bidders should be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties, if any) in order to avoid the need for readvertisement.

##### **§ 1-2.404-2 Rejection of individual bids.**

(a) Any bid which fails to conform to the essential requirements of the invitation for bids, such as specifications, delivery schedule, or permissible alternates thereto, shall be rejected as non-responsive.

(b) Ordinarily, a bid shall be rejected where the bidder imposes conditions which would modify requirements of the invitation for bids or limit his liability to the Government so as to give him an advantage over other bidders. For example, bids shall be rejected in which the bidder:

(1) Attempts to protect himself against future changes in conditions, such as increased costs, if total price to the Government cannot be determined for bid evaluation.

(2) Fails to state a price and, in lieu thereof, states that price shall be "price in effect at time of delivery."

(3) States a price but qualifies such price as being subject to "price in effect at time of delivery."

(4) Where not authorized by the invitation, conditions or qualifies his bid by stipulating that the bid is to be considered only if, prior to date of award, bidder receives (or does not receive) award under a separate procurement.

(5) Limits rights of Government under any contract clause. However, a low bidder may be requested to delete objectionable conditions from his bid if these conditions do not go to the substance, as distinguished from the form of the bid. A condition goes to the substance of a bid where it affects price, quantity, quality, or delivery of the items offered.

(c) Any bid may be rejected if the contracting officer determines in writing that it is unreasonable as to price.

(d) Bids received from any person or concern debarred or ineligible shall be rejected if the period of debarment or ineligibility has not expired (see Subpart 1-1.6).

(e) Low bids received from concerns determined to be not responsible, pursuant to section 1-1.310, shall be rejected (but, if bidder is a small business concern, see Subpart 1-1.7 with respect to certificates of competency).

(f) Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the invitation for bids, the bid shall be rejected.

(g) The originals of all rejected bids, and any written findings with respect to such rejections, shall be preserved with the papers relating to the procurement.

##### **§ 1-2.404-3 Notice to bidders of rejection of all bids.**

When it is determined to reject all bids, the contracting officer shall notify each bidder that all bids have been rejected, stating the reason for such action.

##### **§ 1-2.404-4 [Reserved]**

##### **§ 1-2.404-5 All or none qualifications.**

Unless the invitation for bids so provides, a bid is not rendered nonresponsive by the fact that the bidder specifies that award will be accepted only on all, or a specified group, of the items included in the invitation for bids. However, bidders shall not be permitted to withdraw or modify "all or none" qualifications after bid opening since such qualifications are substantive and would violate the competitive bid process.

##### **§ 1-2.405 Minor informalities or irregularities in bids.**

A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids, not affecting the price, quality, quantity, or delivery of the supplies or performance of the services being procured and the correction or waiver of which would not be prejudicial to other bidders. The contracting officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or, where it is not to the disadvantage of the Government, shall waive any such deficiency. Examples of minor informalities or irregularities include:

(a) Failure of bidder to return the number of copies of signed bids required by the invitation for bids.

(b) Failure to furnish required information concerning the number of bidders' employees.

(c) Failure of bidder to sign its bid, but only if the unsigned bid is accom-

panied by other material indicating the bidder's intention to be bound by the unsigned bid document, such as a bid guarantee, or a letter signed by the bidder referring to and clearly identifying the bid itself. Where a firm submitting a bid has formally adopted or authorized, before the date set for opening of bids, the execution of documents by printed or stamped signature and submits evidence of such authorization and the bid carries such a signature, it shall be regarded as duly signed.

(d) Failure of a bidder to acknowledge receipt of an amendment to an invitation for bids, but only if:

(1) The bid received clearly indicates that the bidder received the amendment, such as where the amendment added another item to the invitation for bids and the bidder submitted a bid thereon; or

(2) The amendment clearly would have no effect on price, quality, quantity, or delivery of the items bid upon, such as an amendment correcting a typographical mistake in the name of the Government procuring activity.

#### § 1-2.406 Mistakes in bids.

##### § 1-2.406-1 General.

After the opening of bids, contracting officers shall examine all bids for mistakes. In cases of apparent mistakes and in cases where the contracting officer has reason to believe that a mistake may have been made, he shall request from the bidder a verification of the bid, calling attention to the suspected mistake. If the bidder alleges a mistake, the matter shall be processed in accordance with this section 1-2.406. Such actions shall be taken prior to award.

##### § 1-2.406-2 Apparent clerical mistakes.

Any clerical mistake, apparent on the face of a bid, may be corrected by the contracting officer prior to award, if the contracting officer has first obtained from the bidder verification of the bid actually intended. Examples of such apparent mistakes are: obvious misplacement of a decimal point; obviously incorrect discounts (for example, 1 percent 10 days, 2 percent 20 days, 5 percent 30 days); obvious reversal of the price f.o.b. destination and the price f.o.b. origin; and obvious mistake in designation of unit. Correction shall be reflected in the award document.

##### § 1-2.406-3 [Reserved]

##### § 1-2.406-4 Disclosure of mistakes after award.

When a mistake in a contractor's bid is not discovered until after the award, the mistake may be corrected by contract amendment or supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the specifications. In all other cases, the matter shall be processed in accordance with agency procedures.

#### § 1-2.407 Award.

##### § 1-2.407-1 General.

Unless all bids are rejected, award shall be made by the contracting officer by written notice, within the time for acceptance specified in the bid or ex-

tension thereof, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. (For discussion of other factors to be considered, see section 1-2.407-5.) Award shall not be made until all required approvals have been obtained. Awards shall be effected by mailing or otherwise furnishing to the successful bidder a properly executed award document or notice of award. When an advance notice of award is issued, it shall be followed as soon as possible by the formal documents. When more than one award results from any single invitation for bids, separate award documents shall be executed, each suitably numbered. When an award is made to a bidder for less than all the items which may be awarded to that bidder and additional items are being withheld for subsequent award, the first award to that bidder shall state that the Government may make subsequent awards on such additional items within the bidder's bid acceptance period. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by reference) in the award document, since the award is an acceptance of the bid, and the bid and the award constitute the contract.

##### § 1-2.407-2 Responsible bidder.

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible (see section 1-1.310).

##### § 1-2.407-3 Discounts.

(a) Prior to issuing an invitation for bids (except one for construction), a determination shall be made as to what minimum period for prompt payment discounts will be considered in the evaluation of bids and such minimum period shall be stated in the invitation for bids. In determining the minimum period for a particular procurement, consideration shall be given to:

(1) The place of delivery, inspection, and acceptance in relation to the place of payment of invoices or vouchers.

(2) The number of days required to process invoices or vouchers from receipt through payment in the normal course of business.

(3) The need for prolonged acceptance testing or other unusual circumstances tending to retard the normal processing of invoices or vouchers.

Generally, the minimum period will be expressed in multiples of ten days; e.g., "ten calendar days," "twenty calendar days," or "thirty calendar days," since these time intervals coincide with the discount terms generally offered by industry.

(b) In determining which of several bids received is the lowest, any discount offered shall be deducted from the bid price on the assumption that the discount will be taken, unless the discount offered is for a lesser period than the minimum number of days specified in the invitation for bids. (See section 1-2.407-3(a).) Where bids otherwise equal offer the same discount rate, the

bid offering the longer discount period shall be considered as being the most advantageous to the Government.

(c) If a bid offers a prompt payment discount for a period less than that specified in the invitation for bids, the discount shall not be considered in the evaluation of bids. If a bid would have been the lowest bid received if the discount offered were considered, but award is not made thereon because the offered discount cannot be considered, a notation to that effect shall be made upon the abstract or record of bids and on Standard Form 1036 (Statement and Certificate of Award) if used (see section 1-2.407-7).

(d) In any case, the offered discount of the successful bidder shall form a part of the award, whether or not such discount was considered in the evaluation of its bid, and such discount shall be taken if payment is made within the discount period.

##### § 1-2.407-4 Price escalation.

(a) Where an invitation for bids does not contain a price escalation clause, bids received which quote a price and contain a price escalation provision, with a ceiling (usually expressed in terms of a maximum percentage increase) above which the price will not escalate, will be evaluated on the maximum possible escalation of the quoted base price. Bids which contain escalation with no ceiling shall be rejected unless a clear basis for evaluation exists.

(b) Where an invitation for bids contains a price escalation clause and no bidder takes exception to the escalation provisions, bids shall be evaluated on the basis of the quoted prices without the allowable escalation being added. Where a bidder increases the maximum percentage of escalation stipulated in the invitation for bids or limits the downward escalation provisions of the invitation, the bid will be rejected as nonresponsive. Where a bidder deletes the escalation clause from its bid, the bid will be rejected as nonresponsive since the downward escalation provisions are thereby limited. Where a bidder decreases the maximum percentage of escalation stipulated in the invitation for bids, the bid shall be evaluated at the base price on an equal basis with bids that do not reduce the stipulated ceiling. However, if after evaluation, the bidder offering the lower ceiling is in a position to receive the award, the award shall reflect the lower ceiling.

##### § 1-2.407-5 Other factors to be considered.

The factors set forth in paragraphs (a) through (f), of this section, among others, may be for consideration in evaluating bids for award.

(a) Foreseeable costs or delays to the Government resulting from differences in inspection, location of supplies, transportation, etc.

(b) Changes made or requested by the bidder in any of the provisions of the invitation for bids to the extent that any such change does not constitute ground for rejection of the bid under the provisions of section 1-2.404.

(c) Advantages or disadvantages to the Government that might result from making more than one award.



## RULES AND REGULATIONS

(d) Qualified products (see Subpart 1-1.11).

(e) Local, State, and Federal taxes (see Part 1-11).

(f) Origin of supplies, whether domestic or foreign, and, if foreign, the application of the Buy American Act or any other prohibition on foreign purchases (see Part 1-6).

§ 1-2.407-6 [Reserved]

§ 1-2.407-7 Statement and certificate of award.

(a) In connection with each contract made by formal advertising, the contracting officer shall include in the contract file evidence of compliance with section 1-2.103. Where required by agency procedures pursuant to General Accounting Office regulations, Standard Form 1036 (Statement and Certificate of Award) shall be used for this purpose. Where the preparation of Standard Form 1036 is not required, information of a similar nature (hereinafter referred to as the certificate) shall be filed with the General Accounting Office copy of the contract.

(b) The certificate shall either state that the accepted bid was the lowest bid received, or list all lower bids and set forth reasons for their rejection. These reasons shall be set forth in such detail as is necessary to justify the award. For the purpose of this certificate, the lowest bid received is considered to be that bid which is lowest after a consideration of price factors only. The cost of transportation to the destination indicated in the invitation for bids, any acceptable discount offered by a bidder, and if the invitation so specifies, any other Government cost factor, shall be considered price factors in determining the lowest bidder for purposes of this certificate. In each case where an award is made after receipt of equal low bids, the certificate shall set forth the manner in which the tie was broken. Where an award involves a mistake in bid and the matter has been resolved by administrative action, a copy of the bidder's verification in the case of an apparent mistake, or the written administrative determination concerned, shall be attached to the certificate. Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, the certificate shall contain a citation by number and date of the decision and a copy thereof shall be attached to the certificate.

#### § 1-2.408 Information to bidders.

Where feasible, procuring activities should (a) notify unsuccessful bidders promptly of the fact that their bids were not accepted, and (b) extend the appreciation of the procuring activity for the interest the unsuccessful bidder has shown in submitting a bid. Notification to unsuccessful bidders may be accomplished either orally or in writing through the use of a form postal card or other appropriate means. Should additional information be requested, the procuring activity shall either provide the unsuccessful bidders with the name and address of the successful bidder, together with the contract price, or when workload does not permit, inform the in-

quirers as to the location where a copy of the abstract of bids is available for inspection. In addition, when an inquiry is made by an unsuccessful bidder whose price bid was lower than the successful bidder, sufficient information shall be furnished in the reply to the unsuccessful bidder to fully explain the basis for award. If a request is received from an inquirer who is not a bidder or a representative of a bidder, the procuring activity may furnish the name of the successful bidder(s) and, if requested, the price(s) at which award(s) were made. However, where such requests require so large an amount of work as to interfere with the normal operations of the procuring activity, the inquirer will be advised where a copy of the abstract of bids may be seen.

#### MISCELLANEOUS FORMS

Add new section 1-16.802 to read as follows:

### PART 1-16—PROCUREMENT FORMS

#### Subpart 1-16.8—Miscellaneous Forms

##### § 1-16.802 Bidder's Mailing List Application.

Standard Form 129 (Bidder's Mailing List Application) is prescribed for use in connection with the establishment and maintenance of bidders mailing lists in accordance with section 1-2.205. Supplemental information, where required, may be obtained in accordance with agency procedures.

#### Subpart 1-16.9—Illustration of Forms

Add new section 1-16.901-129 to read as follows:

##### § 1-16.901-129 Standard Form 129: Bidder's Mailing List Application.

(a) Page 1 of Standard Form 129.

STANDARD FORM 129, AUGUST 1952 GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.802		BIDDER'S MAILING LIST APPLICATION		INITIAL APPLICATION
All answers should be typed or printed. See reverse for information and instructions.				REVISION
TO:			DATE OF THIS APPLICATION	
1. NAME OF APPLICANT		2. ADDRESS TO WHICH BIDDING FORMS ARE TO BE MAILED		
3. ADDRESS OF MAIN BUSINESS OFFICE		4. HOW LONG IN PRESENT BUSINESS		
5. TYPE OF ORGANIZATION (Check one) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION		6. IF INCORPORATED, INDICATE IN WHICH STATE		
7. NAMES OF OFFICERS, MEMBERS OR OWNERS OF CONCERN, PARTNERSHIP, ETC.				
(A) PRESIDENT		(B) VICE PRESIDENT		
(C) SECRETARY		(D) TREASURER		
(E) OWNERS OR PARTNERS				
8. AFFILIATED CONCERNS (Name, location, and in detail, controlling interest in each)				
9. PERSONS OR CONCERNS AUTHORIZED TO SIGN BIDS AND CONTRACTS IN YOUR NAME (If agent, so specify)				
NAME		OFFICIAL CAPACITY		
10. PERSONS TO CONTACT ON MATTERS CONCERNING BIDS AND CONTRACTS (If agent, so specify)				
NAME		OFFICIAL CAPACITY		TELEPHONE NO.
11. INDICATE CLASSES OF EQUIPMENT, SUPPLIES, MATERIAL, AND/OR SERVICES ON WHICH YOU DESIRE TO BID (Use attached list, if any)				
12. CATEGORY (See definitions on the reverse of this form and check below the category which applies to the applicant)				
<input type="checkbox"/> (A) MANUFACTURER OR PRODUCER <input type="checkbox"/> (C) REGULAR DEALER (Type 2)				
<input type="checkbox"/> (B) REGULAR DEALER (Type 1) <input type="checkbox"/> (D) SERVICE ESTABLISHMENT				
13. NUMBER OF PERSONS NOW EMPLOYED		14. FLOOR SPACE (Square feet)		15. NET WORTH
		MANUFACTURING WAREHOUSE		DATE AMOUNT
THIS SPACE FOR USE BY THE GOVERNMENT		17. I certify that the information supplied herein (including all pages attached) is correct and that neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from bidding for furnishing materials, supplies or services to the Government or any agency thereof.		
		SIGNATURE OF PERSON AUTHORIZED TO SIGN THIS APPLICATION		
		16. NAME AND TITLE OF PERSON SIGNING (Please type or print)		

(b) Page 2 of Standard Form 129.

### INFORMATION AND INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed and certified Bidder's Mailing List Application, together with such other lists as may be attached to the application form, with each procurement office of the Federal agency with which they desire to do business. *The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.*

After placement on the bidder's mailing list of an agency, a supplier's failure to respond (*submission of bid, or notice in writing that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item*) to Invitations for Bids will be understood by the agency to indicate lack of interest and concurrence in the removal of the supplier's name from the purchasing activity's bidder's mailing list for the items concerned.

### CATEGORY DEFINITIONS

(See Item No. 12)

- A. **MANUFACTURER OR PRODUCER** means a person (*or concern*) owning, operating, or maintaining a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment of the general character of those listed in item No. 11.
- B. **REGULAR DEALER (Type 1)** means a person (*or concern*) who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character listed in item No. 11 are bought, kept in stock, and sold to the public in the usual course of business.
- C. **REGULAR DEALER (Type 2)** in the case of supplies of particular kinds (*at present, petroleum, lumber and timber products, coal, machine tools, raw cotton, green coffee, or hay, grain, feed, and straw*) "REGULAR DEALER" means a person (*or concern*) satisfying the requirements of article 101 (b) of the regulations, as amended from time to time, prescribed by the Secretary of Labor under the Walsh-Healey Public Contracts Act (41 U. S. Code 35-45).
- D. **SERVICE ESTABLISHMENT** means a concern (*or person*) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (*but not limited to*) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as part of the services performed.

U. S. GOVERNMENT PRINTING OFFICE 16-67410-1

SPECIMEN

*Effective date.* These regulations are effective July 1, 1960, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 15, 1960.

FRANKLIN FLOETE,  
*Administrator of General Services.*

[F.R. Doc. 60-1609; Filed, Feb. 19, 1960; 8:45 a.m.]



# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER B—STANDARD SAMPLES

#### PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

#### Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

##### DESCRIPTIVE LIST

In accordance with the provisions of Section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from December 1, 1959.

1. Paragraph (r) *Radioactivity standards*, of § 230.11 *Descriptive list* is amended to add standards 4937, 4938, 4991, 4992, 4993, 4994, 4995, 4996 and to revise the part concerning Alpha, Beta, Gamma standards to read as follows:

(r) *Radioactivity standards*.

##### ALPHA-BETA-GAMMA STANDARDS<sup>1</sup>

Sample No.	Radiation	Nuclide	Nominal activity *	Volume	Price per sample
4900	$\alpha$	Polonium-210 <sup>b</sup>	200 dps.....	(e).....	\$27.00
4901	$\alpha$	Polonium-210 <sup>b</sup>	500 dps.....	(e).....	27.00
4902	$\alpha$	Polonium-210 <sup>b</sup>	1,000 dps.....	(e).....	27.00
4903	$\alpha$	U <sub>3</sub> O <sub>8</sub> <sup>4</sup>	15 dps.....	(e).....	27.00
4921	$\beta(\gamma)$	Sodium-22.....	10 <sup>4</sup> dps/ml *.....	(f).....	27.00
4922	$\gamma(\beta)$	Sodium-22.....	10 <sup>4</sup> dps *.....	5.0 ml.....	27.00
4924	$\beta$	Carbon-14.....	10 <sup>4</sup> dps/ml *.....	25.0 ml.....	27.00
4925	$\beta$	Carbon-14.....	10 <sup>4</sup> dps/ml *.....	(h).....	27.00
4926	$\beta$	Hydrogen-3.....	10 <sup>4</sup> dps/ml *.....	25.0 ml.....	27.00
4927	$\beta$	Hydrogen-3.....	10 <sup>4</sup> dps/ml *.....	(i).....	27.00
4929	K	Iron-55.....	10 <sup>4</sup> dps/ml *.....	In preparation.....	
4930	K( $\gamma$ )	Zinc-65.....	10 <sup>4</sup> dps/ml *.....	(j).....	27.00
4932	$\gamma(\beta)$	Mercury-203.....	10 <sup>4</sup> dps *.....	5.0 ml.....	27.00
4935	$\gamma(\beta)$	Krypton-85.....	10 <sup>4</sup> dps/g. mol *.....	(j).....	27.00
4937	$\gamma(\beta)$	Niobium-95.....	10 <sup>4</sup> dps *.....	5.0 ml.....	27.00
4938	$\gamma(K)$	Strontium-85.....	10 <sup>4</sup> dps *.....	5.0 ml.....	27.00
4991	$\gamma$	Sodium-22.....	1 x 10 <sup>4</sup> gps.....	(j).....	27.00
4992	$\gamma$	Zinc-65.....	5 x 10 <sup>4</sup> gps.....	(j).....	27.00
4993	$\gamma$	Niobium-95.....	5 x 10 <sup>4</sup> gps.....	(j).....	27.00
4994	$\gamma$	Strontium-85.....	5 x 10 <sup>4</sup> gps.....	(j).....	27.00
4995	$\gamma$	Mercury-203.....	5 x 10 <sup>4</sup> gps.....	(j).....	27.00
4996	$\gamma$	Sodium-22.....	5 x 10 <sup>4</sup> gps.....	(j).....	27.00

Discontinued NBS radioactivity standards.—The National Bureau of Standards has discontinued distribution of the following radioactivity standards, Nos. 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920, 4923, 4928, 4931, 4933, 4934, and 4936. Standardized samples of these nuclides may now be obtained commercially.

<sup>1</sup> Radioactivity standards are shipped express collect only to destinations in Canada and the United States. In the case of shipments to other countries consignee should appoint an agent to handle shipment abroad, apply to the National Bureau of Standards for pro forma invoices, and establish a credit for the cost of the standards at any bank in the United States.

\* The disintegration rate as of the reference date is given on a certificate accompanying the standard.

<sup>b</sup> Samples consist of a practically weightless deposit of polonium-210 on a silver disk 1 inch in diameter, 1/16-inch thick and faced with 0.002 inch of palladium. Please note that standard Nos. 4900, 4901, and 4902 are now polonium-210. This change makes possible the preparation of small diameter weightless source with little self-absorption and no beta emission. Corrections for decay may be made accurately. If uncalibrated strong alpha sources with a longer half-life are desired and the above characteristics are not required, the beta sources Nos. 4911 and 4912 may be used. Two years after plating, the alpha emission rate in forward direction is approximately one-half the given disintegration rate and decays with approximately the half-life of Radium D.

\* Deposited source.

<sup>d</sup> Samples consist of U<sub>3</sub>O<sub>8</sub> deposited on a 0.1 mm platinum foil and mounted on an aluminum disk, 1/4 inch in diameter and 1/32-inch thick. The alpha-ray disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

\* Total activity of these standards is such that they may be ordered singly under the general licensing provisions of the Atomic Energy Act of 1954 (please refer to Federal Register, Volume 21, page 213, January 11, 1956).

<sup>f</sup> Approximately 3 ml of low-solids carrier solution containing the active nuclide in a flame-sealed ampoule.

\* This standard can be issued only under the special licensing provisions of the Atomic Energy Act of 1954, and it is therefore required that a copy of the purchaser's current AEO By-Product Material license be on file at the National Bureau of Standards.

<sup>h</sup> Benzoic acid (7C-14) in about 3 ml of toluene in a flame-sealed glass ampoule.

<sup>i</sup> Approximately 10 ml of Kr<sup>84</sup> in inert krypton at a pressure of approximately one atmosphere in a break-seal glass ampoule.

<sup>j</sup> Point source deposited on Mylar.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.)

[SEAL]

R. D. HUNTOON,  
Deputy Director,  
National Bureau of Standards.

[F.R. Doc. 60-1589; Filed, Feb. 19, 1960; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

Immigration and Naturalization  
Service

[ 8 CFR Part 214 ]

### TRANSIT ALIENS

#### Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the requirement that an alien crewman be in possession of a Form I-184 permanent landing permit and identification card when he seeks to enter as a transit without a visa to join a vessel in the United States. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization Room 767, 119 D Street N.E., Washington 25, D.C., written data views, or arguments (in duplicate) relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

The first sentence of subparagraph (1) of paragraph (c) of § 214.2 is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(c) *Transits*—(1) *Without visas*. Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Peoples Republic of China, Peoples Democratic Republic of Korea (North Korea Regime), German Democratic Republic, and North Vietnam (Viet Minh), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of a Form I-184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 16, 1960.

J. M. SWING,  
Commissioner of

Immigration and Naturalization.

[F.R. Doc. 60-1603; Filed, Feb. 19, 1960;  
8:47 a.m.]

No. 36—3

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Parts 1011, 1016 ]

[Docket No. AO-299-A1]

### MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Crystal Room, Marinette Hotel, Marinette, Wisconsin, beginning at 10:00 a.m., local time, on March 7, 1960, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

#### PROPOSALS TO AMEND THE MICHIGAN UPPER PENINSULA ORDER

Proposed by Michigan Milk Producers Association:

*Proposal No. 1.* Add Menominee County, Michigan, to the marketing area and include it in Zone I.

*Proposal No. 2.* Review the Class I pricing provisions to determine whether same or different provisions should be applicable on and after June 1, 1960.

*Proposal No. 3.* Consider the adoption and inclusion of a provision for an "associate producer" or some similar provision that will enable producers who lose their market because of problems beyond their control to retain their place in the market for a stated period of time.

Proposed by Bancroft Dairy, Inc.:

*Proposal No. 4.* That the entire area have the same amounts added to the basic formula price each month.

*Proposal No. 5.* That for plants located outside the marketing area the price shall be that specified for the area for the poundage of sales in the area.

Proposed by Soo Creamery:

*Proposal No. 5a.* That the area now known as Zone 2 be discontinued, and handlers in that area pay the same price as handlers in Zone 1.

*Proposal No. 5b.* That the price in Zone 1 for all classes of milk be calculated in the same manner as in the past year. (January-December, 1959)

*Proposal No. 5c.* That if a handler sells Class I products in more than one Federal milk marketing order, he be required to pay the higher (or highest) of the Class I prices for all of his Class I usage.

Proposed by Carney Milk Products Co.:

*Proposal No. 5d.* Delete the present language in § 1011.8 and substitute therefor the following:

#### § 1011.8 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Which is approved by an appropriate health authority having jurisdiction in the marketing area or by another health authority whose certification is accepted by such health authority for the processing of Grade A milk or which is acceptable to an agency of the Federal government for distribution of milk to its installations in the marketing area;

(b) In which milk or skim milk is processed or packaged; and

(c) From which Class I milk is disposed of during the month on routes in the marketing area or from which Class I milk is supplied to installations located in the marketing area of an agency of the Federal government.

*Proposal No. 5e.* Add a new section as follows and renumber the remaining definition sections of the present order:

#### § 1011.9 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant equipped to either receive or cool milk, which is approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area, and from which an amount equal to not less than 50 percent of its receipts from dairy farmers, who would be producers if the plant qualified as a pool plant, are shipped to a distributing plant during the month: *Provided*, That any plant which qualifies as a supply plant for each of the months of October through December shall be considered to be a supply plant for the following months of January through September of such year, except that if the operator of such plant files written request with

the market administrator, supply plant status shall be terminated as of the first of the following month.

*Proposal No. 5f.* Add a new section as follows and renumber the remaining definition sections of the present order:

**§ 1011.10 Pool plant.**

"Pool plant" means:

(a) A distributing plant (other than one exempt pursuant to § 1011.81) which disposes of as Class I milk on routes in the marketing area 15 percent or more of its receipts of milk during the month from pool plants and from dairy farmers conforming to the requirements set forth in § 1011.13.

(b) A supply plant.

*Proposal No. 5g.* Add a new section as follows and renumber the remaining definition sections of the present order:

**§ 1011.11 Nonpool plant.**

"Nonpool plant" means any plant, other than a pool plant, engaged in receiving, manufacturing or distributing milk.

*Proposal No. 5h.* Delete the present language in § 1011.9 and substitute therefor the following:

**§ 1011.12 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of a member producer diverted to a nonpool plant for its account pursuant to § 1011.13 for each day's milk production that such producer's milk is diverted during the month. Milk so diverted shall be deemed to have been received by the association at a pool plant at the location of the pool plant at which the milk was received prior to diversion; and

(d) A cooperative association with respect to the producer milk of its members which is delivered directly from the farm to the pool plant of a handler in a tank truck owned and operated by or under contract to such cooperative association, unless such association notifies the market administrator and the handler to whom the milk is delivered in writing, prior to the first day of the month, that it does not desire to be the handler for such milk. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the association at the location of the pool plant to which it is delivered.

*Proposal No. 5i.* Delete the present language in § 1011.10 and substitute therefor the following:

**§ 1011.13 Producer.**

"Producer" means any person who produces milk, (a) under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk, issued by an appropriate health authority having jurisdic-

tion in the marketing area or by another health authority whose certification is accepted by such health authority, or (b) which is acceptable to an agency of the Federal government for fluid consumption in its institutions or bases located in the marketing area; which is received directly from the farm at a pool plant or diverted from a pool plant to a nonpool plant for the account of a cooperative association: *Provided*, That if the days of production of such person for which milk is diverted exceeds one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for that part of the month following the last day of delivery to a pool plant. This definition shall not include any person with respect to milk produced by him which is received by a handler partially exempt, pursuant to §§ 1011.80 through 1011.83.

*Proposal No. 5j.* Delete the present language in § 1011.61 and substitute therefor the following:

**§ 1011.61 Computation of uniform price.**

For each month, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content delivered to pool plants other than those specified in § 1011.83, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1011.60;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract, if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1011.62 multiplied by 10;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1011.63;

(d) Add not less than one half of the unobligated balance in the producer-equalization fund;

(e) Divide the resulting amount by the hundredweight of milk received from producers; and

(f) Subtract not less than 4 cents nor more than 5 cents.

*Proposal No. 5k.* Add a new section as follows and renumber §§ 1011.71 through 1011.75 of the present order as §§ 1011.74 through 1011.78:

**§ 1011.71 Producer-equalization fund.**

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1011.72 and 1011.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1011.76) and out of which he shall make all payments pursuant to § 1011.73 (including any adjustments thereto pursuant to § 1011.76).

*Proposal No. 5l.* Add a new section as follows:

**§ 1011.72 Payments to the producer-equalization fund.**

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1011.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 1011.70.

*Proposal No. 5m.* Add a new section as follows:

**§ 1011.73 Payments out of the producer-equalization fund.**

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1011.60 is less than the total minimum amount required to be paid by him pursuant to § 1011.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1011.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

*Proposal No. 5n.* Add a new section as follows:

**§ 1011.83 Handler operating a non-pool distributing plant.**

Each handler, other than a producer-handler or one exempt pursuant to §§ 1011.81 or 1011.82, who during the month operates a Grade A milk plant from which fluid milk products are distributed on a route in the marketing area, shall, in lieu of the payments required pursuant to §§ 1011.70 through 1011.74, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1011.30, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1011.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus

amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1011.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers, for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1011.31, plus the value of any supplies on service furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1011.74 had such plant been a pool plant.

**NOTE:** Proposal 5e through 5n relate to the proposed adoption of a "market-wide pool" in lieu of present "individual-handler pools".

**Proposal No. 50.** As an alternate to a market-wide pool, amend § 1011.43 to include the following new paragraph:

(d) During each of the months of February through September, inclusive (beginning in 1961), a handler operating a fluid milk plant may allocate Class I milk to a supply plant(s) which transferred milk to such fluid milk plant for at least three of the months of October through January immediately preceding even though such milk is not transferred physically to such fluid milk plant during the current month: *Provided*, That the pounds to be subtracted from Class I milk and so allocated to any supply plant for the current month in the period February through September, inclusive, when added to any quantities actually transferred from such supply plant to such fluid milk plant during the current month which are assigned to Class I milk pursuant to paragraph (b) of this section, shall not exceed the lesser of the following amounts:

(1) The monthly average number of pounds allocated as Class I milk from such fluid milk plant to such supply plant during the preceding period October through January, inclusive; or

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such fluid milk plant for the preceding period October through January, inclusive; and multiply the total Class I milk at such fluid milk plant for the current month by such percentage.

**Proposed by Wiggins' Dairy:**

**Proposal No. 5p.** Review the allocation provisions of Order No. 111 relative to milk and fluid milk products received from a plant or handler regulated by another Federal order to determine whether inequities exist in the classification of milk so received.

## PROPOSALS TO AMEND THE NORTHEASTERN WISCONSIN ORDER

**Proposed by Pure Milk Products Co-operative:**

**Proposal No. 6.** Amend § 1016.8 to read:

§ 1016.8 Fluid milk plant.

"Fluid milk plant" means all the premises, buildings and facilities of any Grade A milk receiving, processing or packaging plant:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area, except as provided in § 1016.81; and

(b) From which milk or skim milk is delivered to a plant or plants described in paragraph (a) of this section on 3 or more days during the month.

**Proposal No. 6a.** Amend § 1016.8(b) to read as follows:

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section.

**Proposal No. 7.** Amend § 1016.9 to read:

§ 1016.7 Handler.

"Handler" means:

(a) A person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month in the marketing area, or

(b) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section which is diverted to a nonhandler for the account of the association.

**Proposal No. 8a.** Amend § 1016.10 to read:

§ 1016.10 Producer.

"Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted Federal, State, County or Municipal authority, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

**Proposal No. 8b.** In case the market-wide pooling is continued, amend § 1016.10(a) to read as follows:

(a) "Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, State, County, or Municipal authority whose milk is received at a pool plant. "Producer" shall also include any such person with respect to milk diverted from a pool plant to a non-pool plant for the account of a handler or co-operative association for a period not to exceed six months during any one year period. Milk so diverted shall be deemed to have been received at the

pool plant from which diverted, if, for the account of the operator of such plant, or at an identical location if for the account of a co-operative association through diversion from the pool plant of another handler.

**Proposal No. 9.** Amend § 1016.13 to read:

§ 1016.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except:

(1) Receipts from other fluid milk plants, or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

**Proposal No. 10.** Add a new § 1016.15 as follows:

§ 1016.15 Associated producer.

"Associated producer" means a producer who, with respect to any milk not accepted at or accounted for by a handler at a fluid milk plant in any month, meets all of the following qualifications:

(a) Produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, State, County or Municipal authority relating to milk for consumption in the area in the form of a fluid milk product.

(b) Delivered milk anytime during the preceding period of July through January, which milk was received at, or diverted from, a fluid milk plant; and

(c) Certifies in writing to the Market Administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at, or accounted for by a handler, at a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant and does so perform in response to appropriate request from the handler through the Market Administrator.

**Proposal No. 11.** Add a new § 1016.16 as follows:

§ 1016.16 Associated producer milk.

"Associated producer milk" means that portion of the milk produced by one or more associated producers which is not accepted at, or accounted for by a handler at, a fluid milk plant and which milk is sold for manufacturing purposes.

**Proposal No. 12.** Amend § 1016.22(i) (2) to read:

(2) On or before the 14th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1016.61 and the producer butterfat differential computed pursuant to § 1016.62.

**Proposal No. 13.** In § 1016.22, add a new paragraph (j) as follows:

(j) On or before the 8th day of the delivery month, furnish to each handler operating a fluid milk plant the names

and addresses of any associated producers who have declared their willingness to deliver milk to such plant pursuant to § 1016.15.

**Proposal No. 14.** In § 1016.22 add a new paragraph (k) as follows:

(k) On or before the 14th day following the delivery month notify each handler of the quantity and butterfat test of associated producer milk assigned to such handler and the amount to be remitted to the Market Administrator therefor pursuant to § 1016.70.

**Proposal No. 15.** Amend § 1016.30 to read:

**§ 1016.30 Monthly reports of receipts and utilization.**

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates fluid milk plant(s) shall report to the Market Administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the Market Administrator, as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

- (1) Producer milk;
- (2) Fluid milk products received from other fluid milk plants;
- (3) Other source milk; and
- (4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the Market Administrator may prescribe.

**Proposal No. 16.** Amend § 1016.31 to read:

**§ 1016.31 Payroll reports.**

On or before the 25th of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

**Proposal No. 17.** In § 1016.36, add a new paragraph as follows:

**Other reports.** Each associated producer shall submit to the Market Administrator:

(1) On or before the 5th day following the delivery month, a statement of the quantity and butterfat test of his milk sold for manufacturing purposes; and

(2) On or before the 20th day following such delivery month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold for manufacturing purposes.

**Proposal No. 18.** In § 1016.43(a), amend "The pool plant of another handler \* \* \*" to read: "The fluid plant of another handler \* \* \*".

**Proposal No. 19.** In § 1016.43(c), amend "A non-pool plant \* \* \*" to read: "A non-fluid milk plant \* \* \*".

**Proposal No. 20.** In § 1016.43(c) (2), amend "Class I utilization in the nonpool milk plant \* \* \*" to read: "Class I utilization in the nonfluid milk plant \* \* \*".

**Proposal No. 21.** In § 1016.43(c) (3), amend "The operator of the nonpool milk plant \* \* \*" to read: "The operator of the nonfluid milk plant \* \* \*".

**Proposal No. 21a.** Amend § 1016.43 to provide for transfer provisions appropriate for individual-handler pooling.

**Proposal No. 22.** Amend § 1016.50(b) to read:

(b) The price per hundredweight computed adding together the values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the Market Administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U.S.D.A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the Market Administrator, of the weighted averages of car lot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents and then multiply by 8.2.

**Proposal No. 23.** In § 1016.51 *Class I milk price*, amend "Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association \* \* \*" to read: "Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association \* \* \*".

**Proposal No. 24.** Amend § 1016.51(a) to read as follows:

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus \$1.10 for all months.

**Proposal No. 25.** In § 1016.52 *Class II milk price*, amend "Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association \* \* \*" to read: "Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association \* \* \*".

**Proposal No. 26.** Amend § 1016.53 to read: "Subject to the provisions of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the

month and utilized as Class III milk shall be the price computed to § 1016.50(b) plus 20 cents."

**Proposal No. 27.** Amend § 1016.54(a) to read:

(a) For Class I milk, multiply such price for the preceding month by 0.140;

**Proposal No. 28.** Amend § 1016.54(b) to read:

(b) For Class II and Class III milk, multiply such price for the current month by 0.122.

**Proposal No. 29.** Amend § 1016.60 to read:

**§ 1016.60 Value of producer milk.**

The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the Market Administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48 by the applicable respective class prices (adjusted pursuant to §§ 1016.54 and 1016.55), and add together the resulting amounts;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46 (g) and the corresponding step of § 1016.47 by the applicable class price;

(c) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the Market Administrator.

**Proposal No. 30.** Amend § 1016.61 to read:

**§ 1016.61 Computation of uniform price.**

For each month the Market Administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) To the value of milk computed for such handler pursuant to § 1016.60, add the value, at the Class II price, of the quantity of associated producer milk reported pursuant to § 1016.36;

(b) Subtract, if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1016.62 multiplied by 10;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph

(d) of this section for the previous month to the nearest cent;

(d) Divide the result by the total hundredweight of:

(1) The producer milk represented by the amount computed pursuant to § 1016.60(a); and

(2) The associated producer milk specified in paragraph (a) of this section.

(e) Adjust the resulting figure to the nearest cent.

**Proposal No. 31.** Amend § 1016.64(c) to read:

(c) The amounts to be paid by such handler for associated producer milk pursuant to § 1016.70(d).

**Proposal No. 32.** Delete § 1016.70(a) (2).

**Proposal No. 33.** Amend § 1016.70(c) to read:

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

**Proposal No. 34.** In § 1016.70(d), add the following: "Each handler having associated producer milk shall remit to the Market Administrator for payment to associated producers, an amount computed by multiplying the quantity of associated producer milk determined pursuant to § 1016.22(k), such amount to be maintained by the Market Administrator in a separate fund out of which he shall, on or before the 25th day after the end of each delivery month, make payments to associated producers on the basis of the verifiable quantity records submitted by them pursuant to § 1016.36."

**Proposal No. 35.** Delete §§ 1016.71, 1016.72 and 1016.73.

**Proposal No. 36.** Delete § 1016.83.

Proposed by Frigo Cheese Corporation:

**Proposal No. 37.** Amend § 1016.5 to include Marinette, Forest and Oconto Counties, Wisconsin and Menominee County, Michigan.

**Proposal No. 38.** Add a new section as follows:

#### § 1016.15 Diverted milk.

"Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

**Proposal No. 39.** Amend § 1016.8(b) by deleting the present language contained therein and substituting the following:

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which 50 percent during the months of August through January and 30 percent during

all other months or more of such receipts is delivered to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers. *Provided*, That any such receiving plant that was a pool plant during three of the four months of the period from August through November immediately preceding shall continue to be a pool plant for each of the succeeding months of December through July unless the milk received at the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant delivers more than 50 percent of its Grade A receipts to a plant(s) regulated under another order issued pursuant to the Act, or the operator of the plant notifies the Market Administrator in writing that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the Market Administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled.

**Proposal No. 40.** Amend § 1016.83 whereby such section would be applicable to a supply plant furnishing a full supply of milk to bottling plants the same as such section now applies to "non pool" bottling plants.

Proposed by Dolly Madison Dairies, Inc.:

**Proposal No. 41.** That § 1016.5 of said Federal Order No. 116 be amended by the deletion from said § 1016.5 of all of paragraph (g), which reads as follows:

(g) The towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the Villages of Biron and Port Edwards, and the city of Nekeosha and Wisconsin Rapids in Wood County, Wisconsin;

**Proposal No. 42.** That § 1016.81 of said Order No. 116 be amended to read as follows:

#### § 1016.81 Exempt handler.

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 4,500 lbs. of fluid milk products per day are disposed of during the month in the marketing area or route(s), shall be exempt from all provisions of this part except §§ 1016.33 to 1016.35. In determining the volume of fluid milk products distributed per day in the marketing area, contract milk supplied to institutions supported in whole or in part by state or federal funds shall be exempt.

**Proposal No. 43.** That § 1016.84 be created to read as follows:

Each handler, other than a producer-handler or one exempt pursuant to § 1016.81 or 1016.82, who, in the month during which this Order became effective, operated a Grade A milk plant from which fluid milk products were distributed on a route in the marketing area,

and who, during the month operates said plant and route, may, in lieu of the payments required pursuant to §§ 1016.70 through 1016.74 or § 1016.83, pay to the market administrator as follows:

(a) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the applicable class price provided in the Order for milk delivered in the marketing area and the price actually paid by the handler for such milk, if less than the applicable class price; and

(b) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

The method of payment set forth in this section shall be available only to the extent of the above-described handler's average monthly volume of distribution of fluid milk products in the marketing area at the time this Order became effective, said average monthly volume to be an average of the said handler's monthly distribution in the area over the twelve months next preceding the effective date of this Order, plus an additional 10% to allow for normal market fluctuation. In determining the average monthly volume of said handler's distribution in the marketing area, contract milk supplied to institutions supported in whole or in part by state or federal funds shall be exempt.

Proposed by Michigan Milk Producers' Association:

**Proposal No. 44.** Amend § 1016.5 by deleting "the city of Menominee in Menominee County, Michigan."

Proposed by Winnebago Farm Dairy:

**Proposal No. 45.** Amend the reporting provisions of Order 116 to provide as follows with respect to any handler who terminates purchases from producers and begins purchases from other handlers:

(a) A separate report of receipts and utilization shall be required for that part of the month during which such change in source of milk occurred covering the period during which milk was purchased directly from producers; and

(b) A separate report of receipts and utilization shall be required for the balance of the same month covering the period during which such milk was purchased from other sources.

Proposed by Lake to Lake Dairy Cooperative and Consolidated Badger Cooperative:

**Proposal No. 46a.** Add § 1016.15 to read:

#### § 1016.15 Base, base milk and excess milk.

(a) *Base*. "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 1016.84.

(b) *Base milk*. "Base milk" means a quantity of producer milk received by a handler during each of the months of March, April, May and June which is not in excess of such producer's base multiplied by the number of days such milk was produced.



(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of March, April, May and June which is in excess of the base milk received from such producer.

*Proposal No. 46b.* Add § 1016.84 to read:

**§ 1016.84 Computation of base and base rules.**

(a) Subject to the conditions set forth in paragraph (b) of this section, the market administrator shall compute for each of the months of March, April, May and June, a base for each producer as follows:

(1) Divide the total pounds of milk received by a handler from each producer during the months of September, October and November immediately preceding by the number of days such milk was produced (not to be less than 60 days): *Provided*, That any producer for whom a base has been computed may upon written notice to the market administrator postmarked not later than January 15 preceding the months in which the base applies, relinquish his base and be allotted a base computed pursuant to subparagraph (2) of this paragraph.

(2) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to subparagraph (1) of this paragraph, shall be allotted a base for each of the delivery periods of March, April, May and June equal to the following percentages of his average daily deliveries:

Month	Percentage
March	60
April	55
May	50
June	50

(b) Any base computed pursuant to paragraph (a) (1) of this section shall be subject to following rules:

(1) A base shall be held in the name of the producer and may be transferred only at his option.

(2) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm

each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(4) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(5) On or before March 1 each year, the market administrator shall notify producers of their bases, and shall notify each handler of the base of each of the producers delivering to the handler's plant(s).

(6) Subject to the provisions set forth in subparagraphs (1) and (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

Proposed by Lake to Lake Dairy Cooperative:

*Proposal No. 47.* a. To § 1016.61 add paragraph (g) to read:

(g) For each of the months of March, April, May and June, add an amount computed by multiplying the total pounds of excess milk as reported by handlers pursuant to § 1016.30(d), by 40 cents per hundredweight.

b. To § 1016.61 add paragraph (h) to read:

(h) For each of the months of March, April, May and June the uniform price for excess milk shall be the uniform price for base milk less 40 cents per hundredweight.

c. To § 1016.30 add paragraph (d) to read:

(d) For the delivery periods of March through June, the total amount of base milk and the total amount of excess milk received from producers.

d. To § 1016.71 add paragraph (a) (3) to read:

(a) (3) During each of the months of March, April, May and June, producers shall be paid for base and excess milk, respectively, the prices determined under § 1016.61.

Proposed by Consolidated Badger Cooperative:

*Proposal No. 48.* Amend § 1016.9, definition of "Handler" to omit the last 4

lines thereof commencing with (c) reading as follows:

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

*Proposal No. 49.* a. Amend § 1016.10 (a) to read as follows:

(a) "Producer" means a person other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, State, County or municipal authority, whose milk is received at a pool plant, or

b. And amend § 1016.10(b) to read as follows:

(b) Who produces milk which is qualified, upon satisfactory proof furnished to the Market Administrator, to be received at a pool plant and is caused by a handler to be delivered during part or all of the months of November through June, inclusive, for his account to a nonpool plant. Milk caused to be delivered pursuant to this paragraph shall be deemed to have been received at the pool plant from which diverted.

*Proposal No. 50.* Amend § 1016.13(b) to add, after the word "Month": "Except non-fat dried milk solids used for fortifying skim milk and for the production of cottage cheese."

*Proposal No. 51.* Amend § 1016.51(b) to omit Oneida County, Wisconsin.

*Proposal No. 52.* Amend § 1016.43(c) to read as follows:

(c) A non-pool plant, and to a second, or more, non-pool plant (with handler's organization) and to one non-pool plant outside the handler's organization (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

Proposed by Manitowoc Milk Producers Cooperative:

*Proposal No. 53.* Amend § 1016.51(a) to state an increase in the basic formula price for the preceding month plus 90 cents for the months of March, April, May, and June; \$1.10 for the months of January, February, July and December; and \$1.20 for all other months.

*Proposal No. 54.* Amend § 1016.41(b) to provide that all milk, cream or skimmed milk used in the manufacture of hard cheese be changed to become a Class II milk item.

**PROPOSALS APPLICABLE TO BOTH ORDERS**

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 55.* Make such changes in each of the marketing agreements and orders as may be necessary to make such marketing agreement and order conform in its entirety with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order(s) may be procured from the Market Administrator (Order No. 111), Room 303, First National Bank Building, Escanaba, Michigan, from the Market Administrator (Order No. 116), 790 West Foster Street, Appleton, Wisconsin, or from the Hearing Clerk, Room 112, Ad-



ministration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 17th day of February 1960.

ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 60-1631; Filed, Feb. 19, 1960;  
8:51 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

In re: Notice of filing of petition for issuance of a regulation establishing tolerances for reserpine in chicken and turkey feed.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by Ciba Pharmaceutical Products, Inc., Summit, New Jersey, proposing the issuance of a regulation to establish tolerances for reserpine in chicken and turkey feed at the following levels and for the uses described:

1. 2.0 parts per million (0.0002 percent) in chicken feed for laying hens, to improve productive performance under stressful environmental conditions.

2. 1.0 part per million (0.0001 percent) in chicken feed for broilers to improve production performance under stressful environmental conditions.

3. 1.0 part per million (0.0001 percent) in turkey feed for the treatment of outbreaks of aortic rupture.

4. 0.2 part per million (0.00002 percent) in turkey feed to aid in the prevention and control of aortic rupture.

5. A tolerance of zero for reserpine in eggs and in edible portions of chickens and turkeys that have received feed containing reserpine at the levels and for the uses outlined above.

Dated: February 15, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-1618; Filed, Feb. 19, 1960;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

#### [ 14 CFR Part 234 ]

[Docket No. 11149]

### FLIGHT SCHEDULES OF CERTIFIED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

#### Reporting of Flight Delays

FEBRUARY 17, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 234

of its Economic Regulations which would extend the effectiveness of § 234.8 *Reporting of flight delays* beyond April 30, 1960, until the further action of the Board. At the same time the Board invites suggestions for possible revisions of the reporting requirements of § 234.8.

This regulation is proposed under the authority of sections 204(a), 404(a), 405(b), 407 and 411 of the Federal Aviation Act of 1958 (72 Stat. 743, 760, 766, 769; 49 U.S.C. 1324, 1374, 1375, 1377 and 1381).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before March 21, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after March 23, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

*Explanatory statement.* Amendment No. 1 to Part 234 added a new § 234.8 which requires certificated carriers to submit monthly reports of scheduled performance on one-stop and non-stop passenger flights in their domestic operations. This provision by its terms will expire on April 30, 1960, unless extended by the Board. The Board believes that its need to be informed of the degree of on-schedule performance of the industry is a continuing one and it therefore proposes to extend the effectiveness of § 234.8 and related CAB Form 438 indefinitely.

Although the present reporting requirement extends to one-stop and non-stop passenger flights, it throws no light on the overall performance of carriers which operate for the most part flights making more than one intermediate stop. Nor does it afford comparison of the performance of several carriers in the same market or area which may be served by one carrier by way of one-stop or non-stop flights, and by another carrier by way of multi-stop flights. In such a case only the first mentioned carrier would report. The Board therefore invites suggestions for making the information regarding on-schedule performance more meaningful. Upon consideration of such suggestions the Board may later propose amendments to Section 234.8. In the meantime it is proposed to continue the present reporting requirement in effect without substantive change.

*Proposed rule.* It is proposed to amend § 234.8 by striking therefrom the words "For a period not extending beyond April 30, 1960" so that § 234.8 would begin with the words "Each certificated air carrier shall file \* \* \*

[F.R. Doc. 60-1620; Filed, Feb. 19, 1960;  
8:49 a.m.]

#### [ 14 CFR Part 241 ]

[Docket No. 11148]

### UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

#### Notice of Proposed Rule Making

FEBRUARY 17, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations which would provide instructions to carriers on the accounting treatment of receipts and expenditures relating to mutual assistance agreements in the event of strikes and would require reports on substantial interruptions of operations.

The principal features of the proposed regulation are explained in the explanatory statement below, and the proposed amendment to Part 241 is set forth below in the proposed rule. This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before March 21, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after March 23, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

*Explanatory statement.* Part 241 of the Board's Economic Regulations, entitled "Uniform System of Accounts and Reports for Air Carriers," in its present form contains no instructions on either the reporting of work stoppages or the accounting treatment to be accorded receipts or expenditures under the mutual aid agreement applicable to work stoppages due to strikes, between six carriers, which was approved, subject to modifications, by Board Order E-13899 dated May 20, 1959 (C.A.B. Agreement No. 12633). A rule to govern accounting under this Agreement is needed regardless of Board action on the pending request for renewal of its approval.

It is apparent that the closing down of operations due to work stoppages, or any other causes, if of any significant duration, has a substantial impact on operating results. In order to disclose the resulting distortion in income it appears desirable to amend the reporting requirements to provide for the submission of information concerning the degree of interruption in service, the period of interruption, and the cause of the interruption. The proposed rule, therefore, would require the submission of

this information, as well as the identification of receipts from and payments to other air carriers under Board approved mutual aid agreements. Of course, this accounting rule does not prejudice the issue of Board approval of any such agreements in the future.

Pending the Board's decision on the mutual aid agreement, consideration was given to the question of the accounting treatment of the related receipts and payments. Originally, it was suggested that they be recorded in account classification "9700 Special Items." However, the proposal was received that such items be recorded in account classification "4600 Incidental Revenues—Net," essentially on the grounds that, from the viewpoint of the industry as a whole, classification of these items as "Special Items" would have the substantive effect of removing current revenues and expenses from the operating section of the income statement while as a matter of fact their operating characteristics are in no way altered by transfer from one air carrier to another. It appears to the Board that this proposal is sound and that account classification "4600 Incidental Revenues—Net" is the most appropriate classification to be accorded the subject elements.

**Proposed rule.** Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. By redesignating paragraphs (b) and (c) of § 241.12-18 *Other incidental revenues* as (c) and (d), respectively, and adding a new paragraph (b) to read as follows:

(b) This account shall include receipts and payments under agreements with other air carriers providing for mutual financial assistance in the case of work stoppages.

2. By adding a new paragraph (d) to § 241.24 *Schedule P-2* to read as follows:

(d) Each air carrier shall reflect on this schedule a description of all interruptions in air transport operations affecting twenty (20) percent or more of its normal scheduled operations in terms of revenue plane-miles for periods longer than twenty-four (24) hours. The information to be reported for each such interruption in operations shall consist of: (1) For the report period in which partial or complete interruption first occurs, the cause of interruption and dates of partial and/or complete cessation of operations, as applicable; (2) for each report period until full resumption of operations, an estimate of the revenue plane miles canceled in each month of the quarter because of the interruption; and (3) for the report period in which scheduled operations are resumed, dates of partial and/or complete resumption, as applicable.

3. By redesignating paragraphs (d) through (j) of § 241.24 *Schedule P-4* as (e) through (k), respectively, and adding a new paragraph (d) to read as follows:

(d) Receipts from and payments to other air carriers under agreements providing for mutual financial assistance in the case of work stoppage shall be identi-

fied in separate amounts for the individual air carriers involved, through appropriate footnote on Schedule P-2 and shall be cross-referenced to account "18 Other Incidental Revenues" reflected in this schedule. The note covering payments under such agreements shall identify the gross revenues and gross expenses upon which the payments to each air carrier are predicated.

[F.R. Doc. 60-1621; Filed, Feb. 19, 1960; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket 280]

### AIRWORTHINESS DIRECTIVES

#### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection for cracks of the rudder torque tube on Lockheed 1049 Series and 1649A aircraft. If cracks are found, replacement of the tube is required, or a temporary repair depending on crack progression may be used until the tube is replaced.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 22, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

**LOCKHEED.** Applies to all Lockheed Model 1049, 1049C, 1049D, 1049F, 1049G, 1049H, and 1649A aircraft.

Compliance required as indicated.

As a result of several cases of rudder torque tube failure (P/N 306525-2 and P/N 306525-3), attributed to stress corrosion, the following inspection must be accomplished:

Within the next 300 hours time in service on all aircraft which have accumulated 5,000 hours time in service, visually inspect for cracks, using a 10-power magnifying glass, the lower attachment portion of the upper rudder torque tube and the upper attachment portion of the lower rudder torque

tube. If cracks or crack indications are found, reinspect the above area using dye penetrant or equivalent. (The cracks progress along the longitudinal direction from the edge of the tube to the first row of bolt holes and beyond. The cracks may also emanate from the second row of bolt holes.)

Replace the torque tube prior to further flight if the tube is cracked beyond the first 3/8-inch bolt attachment hole or if the tube is cracked at the second row of 5/16-inch bolt attachment holes.

If the tube is cracked from the edge to the first 3/8-inch bolt hole a repair may be used provided the repaired tube is re-inspected in the above manner every 300 hours until replaced. The repair must be made prior to further flight and consists of the addition of two 1/4-inch blind lockbolts or Jobolts, located one on each side of the crack, spaced halfway between the existing 3/8-inch bolt holes and in line with these bolts. The maximum number of cracks permitted is two. If the crack progresses beyond the 3/8-inch bolt attachment hole, with the repair installed, replace the torque tube prior to further flight.

If no cracks are found, reinspect visually every 1,300 hours time in service. If torque tubes are replaced with new parts (P/N 306525-5 or P/N 306525-7), no further special inspections are required.

(Lockheed Service Letter FS/237201 covers this same subject.)

Issued in Washington, D.C., on February 16, 1960.

OSCAR BAKKE,  
Director, Bureau of  
Flight Standards.

[F.R. Doc. 60-1593; Filed, Feb. 19, 1960; 8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

### INVESTMENT COMPANIES

#### Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308, Pub. Law 85-699, 72 Stat. 694, it is proposed to amend, as set forth below, §§ 107.302-1, 107.302-2, 107.303-3, 107.308-7, and 107.308-9 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Part 107, Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective on publication in the FEDERAL REGISTER. Prior to final adoption of such amendment of Regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

**Information.** The amendment under consideration changes the provisions of

present § 107.302-1 relating to initial capital and surplus of small business investment companies and § 107.303-3 relating to SBA operating loans to Licensees by restricting the use of the proceeds derived from the sale of subordinated debentures and loans made pursuant to sec. 303(b) of the Act, to the financing of enterprises other than alcoholic beverage enterprises.

Proposed amendment of § 107.302-2 will permit small business investment companies to issue stock for considerations other than cash and to grant stock options.

The tax status of transactions involving stock transferred pursuant to exercise of options and stock acquired in exchange for considerations other than cash is governed by the provisions of the Internal Revenue Code of 1954 and rulings of, and Regulations issued by the Treasury Department. Whether an option qualifies as a restricted stock option as defined by sec. 421(d) of the Internal Revenue Code of 1954, Public Law 83-591, Title 26, U.S.C., is a determination made by the Treasury Department rather than the Small Business Administration. (TD 6276, 22 F.R. 9862, December 10, 1957.) Likewise compliance with applicable State law is a determination made by State authorities rather than the Small Business Administration.

Further, proposed amendment changes the provisions of present § 107.308-7 by adding thereto a new paragraph (d) relating to investment advisers and management contracts.

In addition, proposed amendment will qualify paragraph (d) of § 107.308-9 relating to the use outside the States of funds provided by Licensee to a small business concern; and add a new paragraph (e) prohibiting Licensees from providing small business concerns with funds to be used for the financing of raw land speculations.

*Proposed amendment.* Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations is amended as described below:

#### § 107.302-1 [Amendment]

Section 107.302-1 is amended by adding at the end thereof the following new § 107.302-1(g) which reads as follows:

(g) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act may be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not

derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were disbursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

Section 107.302-2 is amended to read as follows:

#### § 107.302-2 Consideration for stock of Licensee.

Shares of stock of any class in a Licensee shall be issued by the Licensee only in consideration for the simultaneous payment of cash to the Licensee or as stock dividends; or for services or tangible assets to be employed in the operation of the Licensee, provided that the issuance of stock for services or such assets (other than cash) shall be on a fair and reasonable basis. Options upon the stock of the Licensee may be given upon a fair and reasonable basis only in lieu of salary or in payment for services actually rendered to the Licensee. Shares of stock of any class in a Licensee which represent the initial minimum capital required by § 107.201-5(c) shall be issued by Licensee only in consideration for the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by the United States.

#### § 107.303-3 [Amendment]

Section 107.303-3 is amended by (1) redesignating it paragraph (a) and (2) adding at the end thereof the following new paragraph (b) which reads as follows:

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act may be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any loan funds to Licensee under authority of section 303(b) of the Act, and thereafter during period in which any such loan, or any part thereof remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

#### § 107.308-7 [Amendment]

Sec. 107.308-7 is amended by adding at the end thereof the following new paragraph (d) which reads as follows:

(d) Every Licensee which obtains investment advisory services, or management services, performed for, or supplied to such Licensee by any person, other than directors, officers or employees in their capacities as such, shall contract in writing for such services and such written contract shall specifically:

- (1) Describe such services;
- (2) Describe all compensation to be paid thereunder;
- (3) State the duration of the contract;
- (4) Provide for its termination by the Licensee, without penalty, on not more than 60 days' written notice;
- (5) Provide for its automatic termination in the event of its assignment by the person performing the service;
- (6) Provide for full disclosure to all interested parties whenever the person performing such services performs similar services for small business concerns doing business with the Licensee;
- (7) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and
- (8) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in, such contract.

Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof.

#### § 107.308-9 [Amendment]

Section 107.308-9 is amended by:

1. Deleting the period at the end of paragraph (d) thereof, substituting a colon therefor and adding the following: "*Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to a controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States."

2. Adding at the end of § 107.308-9 the following new paragraph (e), which reads as follows:

(e) Financing the raw land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the prompt development of raw land.

Dated: February 12, 1960.

PHILIP MCCALLUM,  
Administrator.

[F.R. Doc. 60-1608; Filed, Feb. 19, 1960; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

**HARRY R. WALL**

### Report of Appointment and Statement of Financial Interests

JANUARY 22, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Harry R. Wall.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Deputy Director, Defense Electric Power Area 5.

The name of the appointee's private employer or employers: Consumers Power Co., Jackson, Mich.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON,  
*Secretary of the Interior.*

#### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 22, 1960, as Defense Electric Power Area 5, Department of Interior, an officer or director:

Vice President in charge of Electric Operations, Consumers Power Co.

Vice President and Director, The Cheboygan Slackwater Navigation Co.

Vice President and Director, Allegan Water Power Association.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Consumers Power Co.  
The Detroit Edison Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

**HARRY R. WALL.**

FEBRUARY 1, 1960.

[F.R. Doc. 60-1600; Filed, Feb. 19, 1960; 8:47 a.m.]

**ALAN A. WOODWARD**

### Report of Appointment and Statement of Financial Interests

JANUARY 22, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Alan A. Woodward.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Deputy Director, Defense Electric Power Area 13.

The name of the appointee's private employer or employers: Public Service Company of Colorado, Denver, Colo.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON,  
*Secretary of the Interior.*

#### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 22, 1960, as Deputy Director, Defense Electric Power Area 13, Department of the Interior, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Surety Co.  
Transamerica Corp.  
Hartford Fire Insurance Co.  
Travelers Insurance Co.  
Public Service Company of Colorado.  
Toledo Edison Co.  
Consolidated Edison Co.  
Hartford Electric Light Co.  
Cities Service Co.  
Potash Company of America.  
Dow Chemical Co.  
Fluor Corp.  
Television Electronic Fund.  
Denver-United States National Bank.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

**ALAN A. WOODWARD.**

JANUARY 29, 1960.

[F.R. Doc. 60-1601; Filed, Feb. 19, 1960; 8:47 a.m.]

**CHARLES R. LEEVER**

### Report of Appointment and Statement of Financial Interests

JANUARY 22, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles R. Leevers.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 13.

The name of the appointee's private employer or employers: Pacific Power & Light Company, Casper, Wyo.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON,  
*Secretary of the Interior.*

#### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 22, 1960, as Deputy Director, Defense Electric Power, Area 13, Department of the Interior, an officer or director:

Rocky Mountain Investment Co., Secretary-Treasurer.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Pacific Power and Light Co.  
Big Piney Oil and Gas Co.  
Wyoming Oil and Development Co.  
Knapp Uranium.  
Kinney Coastal Oil Co.  
Colotah Uranium Co., Inc.  
Turbo Dynamics Corp.  
Trade Winds Exploration, Inc.  
Rocky Mountain Investment Co., Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

**CHARLES R. LEEVER.**

FEBRUARY 9, 1960.

[F.R. Doc. 60-1602; Filed, Feb. 19, 1960; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary BUSINESS AND DEFENSE SERVICES ADMINISTRATION

### Organization and Functions

The material appearing in 23 F.R. 7951-7953 of October 15, 1958 is hereby amended to reflect the transfer of the Office of Field Services from the Business and Defense Services Administration to the Office of the Secretary.

1. Item 4 of section 2.02 is eliminated.
2. Section 8 is eliminated.

Dated: February 12, 1960.

PHILIP A. RAY,  
Acting Secretary of Commerce.

[F.R. Doc. 60-1588; Filed, Feb. 19, 1960;  
8:45 a.m.]

[Dept. Order 168]

### OFFICE OF FIELD SERVICES

FEBRUARY 1, 1960.

**SECTION 1. Purpose.** The purpose of this order is to designate the Office of Field Services as a constituent unit of the Office of the Secretary, and to describe its organization and functions.

#### SEC. 2. Organization and functions.

.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Office of Field Services is hereby designated as a constituent unit of the Office of the Secretary. The Office of Field Services shall be headed by a Director who shall report directly to the Assistant Secretary of Commerce for Administration.

.02 The Office of Field Services shall consist of the Office of the Director in Washington, D.C., the Administrative Service Office in Chicago, Illinois, and field offices located in such cities as may be designated by the Director of the Office of Field Services with the concurrence of the Assistant Secretary of Commerce for Administration.

.03 The Office of Field Services shall be responsible for carrying out the field programs of the Business and Defense Services Administration, the Bureau of Foreign Commerce, and the Office of Business Economics, and such other organization units as the Assistant Secretary of Commerce for Administration may designate. In addition, it shall disseminate in the field the reports, data, and statistical information published by the Bureau of the Census and other bureaus as they relate to the development of business.

.04 Continuing contacts with organization units whose programs are executed under this order shall be maintained for the purpose of assisting such units in the initiation, development, and determination of programs and policies governing field activities relating to their respective responsibilities and to obtain information helpful to the field offices in serving business and industry within their areas.

.05 Local and State associations, Chambers of Commerce, Boards of Trade, State development agencies, and similar organizations or groups shall be utilized to the fullest extent possible to increase the use and effectiveness of the services, facilities, and published information and data of the Department, and to develop close relationships between the Department of Commerce and such organizations and the business public in the areas they serve. To this end, the Director of the Office of Field Services is authorized to enter into formal cooperative office agreements or appropriate informal arrangements as may be feasible with such agencies.

#### SEC. 3. The Office of the Director.

.01 The Director, Office of Field Services, shall be responsible for formulating the policies, developing and coordinating the programs, and directing all operations of the Office of Field Services, including the organization and operation of Departmental field offices.

.02 The Deputy Director shall be the chief operating aide to the Director and shall assist in the direction of operations of the Office of Field Services and perform such other duties as the Director may assign.

.03 The Assistant Director shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the office. He shall supervise the activities of the Administrative Service Office and perform such other duties as the Director may assign.

.04 The specific functions of the Office of the Director include but are not limited to the following:

1. Maintains contact with the operating divisions of the constituent units of the Department to develop information required by the field offices and to coordinate requests for information from the field offices;

2. Reviews field programs of the constituent units of the Department designated in Section 2.03; assists in developing appropriate programs based on the needs of business or on recommendations of the field offices; reviews operating procedures and instructions to determine adequacy and effectiveness as they relate to specific programs; and issues such implementing procedural and program instructions to the field offices as may be necessary;

3. Maintains liaison with the Office of Publications, the Office of Public Information, and other units of the Department and other Government agencies on all matters pertaining to the distribution and sale of publications, and the distribution of manual issuances, releases, orders, and regulations to the field offices; issues the "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards"; and maintains records and controls over publication sales by field offices and accounting therefor to the Superintendent of Documents;

4. Promotes and coordinates the Department's participation in business and industrial exhibits within the United States with the view to presenting a com-

prehensive picture of the Department's services to the business community, and

5. Maintains necessary liaison with other Government agencies on matters relating to field operations.

#### SEC. 4. Field Offices.

.01 Each field office shall be operated under the supervision of a Field Office Manager who shall report and be responsible to the Director of the Office of Field Services. Field Office Managers shall act as the representatives of the Department in maintaining appropriate relationships between the Department and representatives of business and industry in the areas served.

.02 The functions of the field offices are as follows:

1. *International Trade.* (a) Assist in the promotion of international trade, foreign investment and travel, by advising and consulting with exporters, importers, bankers, service agencies, trade associations, and groups with respect to market and general economic conditions abroad including import quotas, exchange restrictions and other trade controls established by foreign governments; supplying export and import statistics for commodities or manufactured products both here and abroad; furnishing trade lists and World Trade Directory reports and similar promotional media relating to the establishment of contacts with agents, distributors, producers and suppliers abroad; supplying information and assistance relating to investment, insurance, travel, transportation, communications and utilities abroad; providing information on international trade fairs to develop American industry participation; furnishing information on trade development missions and nominating industry representatives to serve on them; aiding American and foreign firms in the amicable adjustment of international trade disputes; assisting and advising American firms, trade associations and attorneys in respect to laws, regulations and services pertaining to the protection of United States industrial property rights (patents, trademarks and copyrights) abroad;

(b) Assist in the administration of the Export Control Act of 1949, as amended: keeping businessmen informed on export control policies, regulations, and procedures; assisting in emergency handling of export license applications; and, under an appropriate delegation of authority, amending and extending licenses and certifying documents under the Import Certificate/Delivery Verification procedures; and providing technical guidance and otherwise assisting Customs Officials and Postmasters in export control matters; and

(c) In accordance with the agreement entered into between the Department of Commerce and the International Cooperation Administration Act as the representative of the latter in disseminating to the business public information on the policies and programs of that agency, and assist the business community on procurement programs financed by the ICA.



2. *Domestic Trade.* (a) Assist businessmen and trade and industrial groups engaged in manufacturing, construction, distribution, banking, communications, advertising, publishing, transportation and other service trades by providing factual, analytical and interpretive data on commodities, products, industries, and marketing for use as basic guides for business in trade maintenance and expansion programs; maintain close contact with trade associations and other industrial and public service groups and advise such groups of activities and programs designed to promote close cooperation between them and the Department of Commerce; gather such factual information and data as may be required from time to time by the several organization units of the Department; upon request, conduct periodic studies of economic conditions throughout the area, analyzing trends and supply and demand factors for principal goods produced or consumed, marketing opportunities, sources of supply, accumulation of inventories, plans for expansion of new product facilities; maintain a business reference library with appropriate books, periodicals, reports and other printed materials of use and value to businessmen and trade and industrial groups in the area.

(b) Utilizing the services, facilities, publications, and reports of the Office of Technical Services and the National Bureau of Standards, assist businessmen on technological research and development problems and provide information on the development of new products or processes.

(c) Maintain contact with State, local and industrial development groups to provide most effective utilization of the services and facilities of the Office of Area Development on problems of labor surplus areas and assistance on community self-help development programs.

3. *Defense Production Activities.* Assist and advise all segments of business with respect to the orders, regulations, policies, directives, priorities, allocations, inventory controls, conservation orders and other actions of the BDSA; maintain continuing contact with industry and business to the end that BDSA may be kept informed of the views and reactions of business and industry on current programs and that business and industry may in turn be kept informed as fully as possible on the activities and responsibilities of the BDSA; act as the local contact in gathering of such information as may be required by the BDSA on a local or area basis.

#### Sec. 5. *Transfer provisions.*

All of the personnel, funds, records, and equipment of the Office of Field Services, Business and Defense Services Administration, are hereby transferred to the Office of Field Services in the Office of the Secretary.

[SEAL] **FREDERICK H. MUELLER,**  
Secretary of Commerce.

[F.R. Doc. 60-1587; Filed, Feb. 19, 1960;  
8:45 a.m.]

### JAMES F. REID, SR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of February 9, 1960.

Dated: February 9, 1960.

JAMES F. REID, SR.

[F.R. Doc. 60-1612; Filed, Feb. 19, 1960;  
8:48 a.m.]

### JOHN J. STAHL

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions: No change.
- B. Additions: Tennessee Gas Transmission Company.

This statement is made as of February 1, 1960.

Dated: February 10, 1960.

JOHN J. STAHL.

[F.R. Doc. 60-1613; Filed, Feb. 19, 1960;  
8:48 a.m.]

### MICHAEL SUISMAN

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions:  
Royal Dutch Petroleum.  
Atlantic Coast Line RR.  
Conn. Expressway Revenue & Gas.  
Midland Michigan Highway.
- B. Additions:  
Security Ins. Co. of New Haven.  
Allegheny Co. Sanitary Authority.  
Paterson, New Jersey Sewer Bonds.

This statement is made as of February 1, 1960.

Dated: February 9, 1960.

MICHAEL SUISMAN.

[F.R. Doc. 60-1614; Filed, Feb. 19, 1960;  
8:48 a.m.]

### JAMES P. WHITLOCK

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of January 30, 1960.

Dated: January 30, 1960.

JAMES P. WHITLOCK.

[F.R. Doc. 60-1615; Filed, Feb. 19, 1960;  
8:48 a.m.]

### ROBERT JOSEPH WILLIAMS

#### Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

- A. Deletions: None.
- B. Additions: Bell & Howell; Jostens.

This statement is made as of January 30, 1960.

Dated: February 10, 1960.

ROBERT JOSEPH WILLIAMS.

[F.R. Doc. 60-1616; Filed, Feb. 19, 1960;  
8:48 a.m.]

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### Notice of Time Limit for Receipt of Contracts by Approved Carriers Offering Health Benefits Plans

Under the provisions of the Federal Employees Health Benefits Act of 1959, the Civil Service Commission has determined that contracts proposed by approved carriers offering health benefits plans under section 4 of the Act, must be received by the Civil Service Commission, Washington 25, D.C., on or before March 7, 1960, to qualify for participation in the health benefits program during the first contract period, commencing July 1, 1960, and ending October 31, 1961. Each contract must contain a detailed statement of benefits and exclusions subject to, and in accordance with, the provisions of the Federal Employees Health Benefits Act of 1959, and regulations issued thereunder.

This notice shall not be construed as implying acceptance in whole or part of any contract heretofore or hereafter submitted to the Civil Service Commis-

sion for approval under the Federal Employees Health Benefits Act.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant.

[F.R. Doc. 60-1653; Filed, Feb. 19, 1960;  
8:59 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13385; FCC 60M-308]

### ANTENNAVISION SERVICE CO., INC.

#### Notice of Conference

In re application of Antennavision Service Company, Inc., Phoenix, Arizona, Docket No. 13385; for construction permit for new fixed radio station at Oatman Mountain, Arizona, File No. 2984-C1-P-59 (KPK30); for construction permit for new fixed radio station at Telegraph Pass, Arizona, File No. 2985-C1-P-59 (KPK31).

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m. on Wednesday, March 2, 1960, in Washington, D.C.

Dated: February 16, 1960.

Released: February 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1623; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket No. 13062; FCC 60M-312]

### CHE BROADCASTING CO. (NSL)

#### Memorandum Opinion and Order Continuing Hearing

In re application of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842, for construction permit.

1. On February 15, 1960, the Hearing Examiner received a letter, dated February 4, 1960, and stamped by Mail and Files February 8, 1960. In the letter, signed by William Weinrod, General Manager of applicant, he requests a continuance of the hearing now scheduled for February 18, 1960, because, he asserts, he has "been unable to continue gathering the material requested by" Broadcast Bureau counsel. Hearing had been originally scheduled for October 13, 1959, but has been several times continued, at the request of the parties.

2. Applicant must understand that the hearing cannot be postponed at will. While the present request will be granted, the applicant is notified that the Hearing Examiner expects this case to be heard on the new date scheduled below. A long enough continuance is being allowed to permit applicant to get the material it alleges it has been unable to gather and otherwise prepare

for hearing, and there should be no excuse for additional delay.

3. Counsel for the Broadcast Bureau has no objection to the proposed continuance.

4. Accordingly: *It is ordered*, This 16th day of February 1960, that the hearing is continued from February 18 to Thursday, March 31, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: February 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1624; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket No. 13391]

### HELMUT J. LELOV

#### Order To Show Cause

In the matter of Helmut J. Lelov, P.O. Box 1147, Freeport, Texas, Docket No. 13391; Order to show cause why there should not be revoked the license for Radio Station WF-6798 aboard the vessel "Dubhe."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation, dated September 29, 1959, alleging that on September 16, 1959, the subject radio station was observed in violation of Commission rules as follows:

*Section 8.367(a)(2)*—a copy of Part 8 of the Commission's rules and regulations was not available on board the vessel at the time of inspection.

*Section 8.368(a)*—no information available to indicate that an accurate log has been maintained in that entries (in the log) are not up to date.

It further appearing, that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated November 10, 1959, and sent by Certified Mail, Return Receipt Requested (No. 1-21737), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee on November 16, 1959, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since

the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered*, This 15th day of February 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § C.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: February 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1626; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket Nos. 12566, 12774; FCC 60M-307]

### SANFORD L. HIRSCHBERG ET AL.

#### Order Continuing Hearing

In re applications of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenschade, d/b as Fairview Broadcasters, Rensselaer, New York, Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

<sup>1</sup> Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.



The Hearing Examiner having under consideration a "Motion for Continuance" filed February 15, 1960, by Sanford L. Hirschberg and Gerald R. McGuire, and

It appearing, that the motion requests continuance to March 3, 1960, of a hearing now scheduled for February 16, 1960, and

It further appearing, that the postponement is required by the illness of Gerald R. McGuire and good cause for the postponement has been shown, and

It further appearing, that all parties agree to the postponement

It is ordered, This 16th day of February, 1960, that the hearing now scheduled for February 16, 1960, be and it hereby is rescheduled for 10:00 a.m., March 3, 1960, in the Commission's offices in Washington, D.C.

Released: February 16, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1625; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket No. 13186; FCC 60M-313]

### M & M BROADCASTING CO. (WLUK-TV)

#### Order Continuing Hearing

In re application of M & M Broadcasting Company (WLUK-TV), Marinette, Wisconsin, Docket No. 13186, File No. BNPCT-5325, for modification of construction permit.

The Hearing Examiner having under consideration a "Petition for Postponement of Hearing" filed February 12, 1960, by M & M Broadcasting Company (WLUK-TV), requesting that the Hearing Examiner postpone the hearing in this proceeding from the heretofore scheduled date of February 16 to March 22, 1960; and

It appearing, that the reasons for the requested postponement are the illness of the attorney for petitioner who has been engaged in the preparation of the aeronautical material for presentation at the hearing and the resulting necessity for other attorneys of counsel for petitioner to familiarize themselves with the technical data in advance of the hearing which task will require several weeks; and

It further appearing, that counsel for the other parties herein have no objection to the postponement as requested, and that they have waived the four-day rule (§ 1.43) to permit early action on the subject petition; and

It further appearing, that good cause has been established for granting the subject petition;

Accordingly: It is ordered, This 16th day of February 1960, that the aforementioned "Petition for Postponement of Hearing" of M & M Broadcasting Company (WLUK-TV) is granted, and that the hearing in the above-captioned proceeding is postponed from February 16 to March 22, 1960, at 10:00 o'clock a.m.,

in the offices of the Commission, Washington, D.C.<sup>1</sup>

Released: February 17, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1627; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket Nos. 13392, 13393; FCC 60-124]

### MODERN BROADCASTING CO. OF BATON ROUGE, INC., AND COM- MUNITY BROADCASTING CO., INC.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Modern Broadcasting Company of Baton Rouge, Inc., Baton Rouge, Louisiana, Docket No. 13392, File No. BPCT-2648; Community Broadcasting Company, Inc., Baton Rouge, Louisiana, Docket No. 13393, File No. BPCT-2671; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of February 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9, Baton Rouge, Louisiana; and

It appearing, that the applications of Modern Broadcasting Company of Baton Rouge, Inc., and Community Broadcasting Co., Inc. are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, Modern Broadcasting Company of Baton Rouge, Inc., and Community Broadcasting Co., Inc. were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that a majority of the outstanding stock of Modern Broadcasting Company of Baton Rouge, Inc., is owned by WDSU Broadcasting Corporation, licensee of Television Broadcast Station WDSU-TV, Channel 6, New Orleans, Louisiana, and that in the event its application was to be granted, the Grade A field intensity of its proposed station would overlap the Grade B field intensity contour of Television Broadcast Station WDSU-TV, and the Grade A field intensity contour of Television Broadcast Station WDSU-TV would overlap the Grade B field intensity contour of its proposed station; and

It further appearing, that upon due consideration of the above-captioned ap-

<sup>1</sup> The instant postponement does not affect the prehearing exchanges of proposed exhibits and lists of witnesses; such exchanges were made by the parties on February 12, 1960.

plications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Modern Broadcasting Company of Baton Rouge, Inc., is legally, and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise so qualified except as to issue "3" below; and that Community Broadcasting Co., Inc., is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "4" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Modern Broadcasting Company of Baton Rouge, Inc., and Community Broadcasting Co., Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified and in a subsequent order, upon the following issues:

1. To determine whether Modern Broadcasting Company of Baton Rouge, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Community Broadcasting Co., Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine the extent of the overlap, and whether a grant of the application of Modern Broadcasting Company of Baton Rouge, Inc., would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station of Modern Broadcasting Company of Baton Rouge, Inc., with the area served by Television Broadcast Station WDSU-TV, New Orleans, Louisiana, which is presently licensed to WDSU Broadcasting Corporation, the majority stockholder of the applicant.

4. To determine whether the antenna system and site proposed by Community Broadcasting Co., Inc., would constitute a hazard to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast station.

c. The programming service proposed in each of the above-captioned applications.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

*It is further ordered,* That to avail themselves of the opportunity to be heard, Modern Broadcasting Company of Baton Rouge, Inc., and Community Broadcasting Co., Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: February 17, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1628; Filed, Feb. 19, 1960;  
8:50 a.m.]

[Docket No. 13394]

## OIL TRANSPORT CO., INC.

### Order To Show Cause

In the matter of Oil Transport Co., Inc., 2837 Tchoupitoulas Street, New Orleans, Louisiana, Docket No. 13394; order to show cause why there should not be revoked the license for radio station WC-5908 aboard the vessel "Susan Houghland".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated November 2, 1959, alleging that on October 24 and 26, 1959, the subject radio station was observed operating in violation of the Commission's rules as follows:

*Section 8.131(b)*—frequency tolerance not within percentage prescribed by the Commission's rules, when operating with radiotelephony on a frequency of 6455 Kc.

*Section 8.364*—failure to identify the station at the beginning and end of communications with other stations. Official call sign was not transmitted at the beginning or end of conversations with the vessel "Memphis" on October 24, 1959, at 1717 to 1720 GMT or at 1756 to 1757 GMT on that date, and on October 26, 1959, at 1455 to 1456 GMT.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated December 4, 1959, and sent by Certified Mail, Return Receipt Requested (No. 67121), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the opera-

tion of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, J. Vetal on December 7, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered,* This 16th day of February 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: February 17, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

<sup>1</sup> Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[F.R. Doc. 60-1629; Filed, Feb. 19, 1960;  
8:50 a.m.]

## RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157, for construction permits for new commercial television broadcast stations (Channel 13).

Pursuant to § 1.111 of the Commission's rules, and for the purpose of considering further hearing procedures herein,

*It is ordered,* This 16th day of February 1960, that the parties or their attorneys shall appear at a further hearing conference to be held at 2:00 p.m., on Wednesday, March 9, 1960, in Room 208, Federation Building, 9th Street and Mt. Vernon Place NW., Washington, D.C.

Released: February 17, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-1630; Filed, Feb. 19, 1960;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Project No. 2210]

### APPALACHIAN POWER CO.

#### Amendment to Application for License

FEBRUARY 17, 1960.

Public notice is hereby given that on February 2, 1960, an amendment was filed by Appalachian Power Company (formerly named Appalachian Electric Power Company), of Roanoke, Virginia, to its application for license under the Federal Power Act (16 U.S.C. 791a-825r) for proposed waterpower Project No. 2210 to be located on Roanoke River (sometimes called Staunton River) in Bedford, Franklin, Campbell, Pittsylvania, and Roanoke Counties, Virginia, in the vicinity of Roanoke, Rocky Mount, Bedford, Moneta, Lynchburg, Altavista, Gretna, and Chatham, Virginia, affecting navigable waters of the United States. The proposed project, known as Smith Mountain Combination Project, is described in the application, as amended, as follows:

*Upper Dam (Smith Mountain)*, located about four miles upstream from the mouth of Pigg River, will be a concrete arch structure about 235 feet high and 815 feet long, creating a reservoir with a surface area of about 20,000 acres and a capacity of about 1,100,000 acre-feet, two concrete side channel non-gated spillways each 100 feet long; a powerhouse at the foot of the dam with two turbines connected to two generators with a capacity of 150,000 kw each with provision for an additional like unit, and two reversible pump-turbine units each rated at 62,500 kw as generators and 101,500 HP as motors; a substation; and appurtenant electrical and mechanical equipment; and *Lower Dam*, to be located at a site approx-

imately 18 miles downstream from the Upper Dam, will be a rockfill structure about 90 feet high and 930 feet long, creating a reservoir with a surface area of about 3,400 acres and a capacity of about 110,000 acre-feet; a concrete side channel gated spillway 350 feet long; a powerhouse at the foot of the dam with two turbines with a combined capacity of 60,000 horsepower connected to two generating units with a combined capacity of 44,000 kw; a substation; and appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is March 25, 1960. The application, as amended, is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-1619; Filed, Feb. 19, 1960;  
8:49 a.m.]

### POWER SITE CLASSIFICATION 349; PROJECT 2145

#### Finding of the Commission and Determination and Partial Vacation of Withdrawals Under Section 24 of the Federal Power Act

FEBRUARY 15, 1960.

In the matter of lands withdrawn in Power Site Classification No. 349 and Project No. 2145; Docket No. DA-169—Washington, Earl Barnhill, Boating Club of Wenatchee.

Two applications have been filed with the Bureau of Land Management, United States Department of the Interior, for the acquisition of certain lands—one (Washington 03261) by Earl Barnhill, of Wenatchee, Washington, for the following-described land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 26 and the other (Washington 03417) by the Boating Club of Wenatchee for the remaining following-described lands, requiring a determination under section 24 of the Federal Power Act with respect thereto:

#### WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E.,  
Sec. 26, lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

and Commission action is being extended to include the following-described land in the foregoing section:

#### WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E.,  
Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The above-described lands lie along the banks of the Columbia River just upstream from the Rocky Reach Hydroelectric Power Project under license as Project No. 2145.

According to the official Land Office plat of sec. 26, approved December 17, 1884, the lands in lot 1, in the N $\frac{1}{2}$ NE $\frac{1}{4}$ , the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$ SE $\frac{1}{4}$  are included in Power Site Classification No. 349, dated June 22, 1944. With the exception of the land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , said lands, together with that in the

NE $\frac{1}{4}$ SW $\frac{1}{4}$ , are further reserved, among other lands, pursuant to the filing on November 9, 1953, and January 13, 1956, respectively, of applications for a preliminary permit and a license for Project No. 2145.

According to the Bureau of Land Management, the original northeast and northwest General Land Office survey monuments are still in place, but the southeast and southwest corners of sec. 26 have been re-established by Court decree. The re-establishment of the south boundary compresses the subdivisions into an area comparable to what would normally be the north half of the section as delimited on the 1884 plat. Under said decree each of the subdivisions bears the same legal designation as indicated on the General Land Office plat of 1884, but contains 20 acres instead of 40 acres as delimited on said plat.

According to the court-established survey, portions of the lands in lot 1, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  and in the E $\frac{1}{2}$ NE $\frac{1}{4}$  are required in connection with Project No. 2145, and the lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lie removed from the project area. A portion of the lands in lot 1, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  and in the E $\frac{1}{2}$ NE $\frac{1}{4}$  is required for railroad right-of-way relocation and other portions of the lands in lot 1, in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  are required for flowage purposes, portions thereof being well above the maximum pool elevation of the project reservoir. The power value of the lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  is negligible.

A determination with respect to a portion of the above-described land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 26 was issued by the Commission on August 5, 1958 (Docket No. DA-158—Washington) for highway purposes (relocation of State Highway No. 10 made necessary by construction of Project No. 2145) subject to the provisions of Section 24 of the Federal Power Act and subject to the prior rights of the licensee for Project No. 2145 and its successors to use the land for project purposes. On October 1, 1958 (Washington 03264), the Commission offered no objection to the issuance of a permit for railroad relocation affecting portions of the lands in lot 1, in the E $\frac{1}{2}$ NE $\frac{1}{4}$  and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of sec. 26 subject to the prior rights of the licensee for Project No. 2145 and its successors to use the lands for project purposes.

The Commission finds:

(1) Inasmuch as the following-described lands have negligible value for purposes of power development, the existing power withdrawals pertaining thereto serve no useful purpose:

#### WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E.,  
Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Classification No. 349 insofar as it pertains to the land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 26, T. 24 N., R. 20 E., Willamette Meridian, Washington.

(3) Vacation of the existing power withdrawals pertaining to the land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 26, T. 24 N., R.

20 E., Willamette Meridian, Washington, is in the public interest.

The Commission determines: The value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended, and subject further to the prior rights of the licensee for Project No. 2145 and its successors to use the lands for project purposes as provided by the license for Project No. 2145:

#### WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E.,  
Sec. 26, lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The lands subject to this determination remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration, and no preference right to the lands is acquired by the filing of the above-mentioned applications or by this action taken by the Commission with respect to the lands.

The Commission orders: The existing power withdrawals pertaining to the land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 26, T. 24 N., R. 20 E., Willamette Meridian, Washington, under Section 24 of the Federal Power Act pursuant to the filing of the applications for a preliminary permit and a license, respectively, for Project No. 2145 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-1596; Filed, Feb. 19, 1960;  
8:46 a.m.]

[Docket Nos. G-17166, G-19983<sup>1</sup>]

### TENNESSEE GAS TRANSMISSION CO.

#### Order Allowing Certain Tariff Sheets To Take Effect and Providing for Hearing on and Suspension of Certain Other Tariff Sheets

FEBRUARY 12, 1960.

On January 15, 1960, Tennessee Gas Transmission Company (Tennessee) submitted for filing tariff sheets<sup>2</sup> comprising its general service Rate Schedule G-6, available to buyers in the New England Zone taking long-term gas service and interim gas service, and a sheet comprising a portion of the company's Form of Service Agreement relative thereto.

By order issued December 16, 1959, in Docket No. G-18877 et al., Tennessee was directed to sell an interim supply of gas and to file the tariff sheets and executed service agreements relative to this service, satisfactory to the Commission.

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

<sup>2</sup> First Revised Sheets Nos. 61, 63, and 65, Second Revised Sheets Nos. 62 and 64 and Original Sheet No. 163A, to Tennessee's FPC Gas Tariff Seventh Revised Volume No. 1, and First Revised Sheets Nos. 62, 63, 64, 65, and 66 to Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1.

In compliance with the Commission's order, the proposed rate schedule revises Tennessee's Rate Schedule G-6 so as to differentiate in the availability and billing demand provisions between the gas service rendered to the same buyer under both long-term and interim sales contracts. Service under both contracts is to be billed under the same rate.

Pursuant to Article I, *Scope of Contract*, of the proposed Form of Service Agreement for interim service, it is specified that interim service gas shall be that quantity of gas in excess of Buyer's initial elected general service quantity or such greater general service quantity as Buyer elects to receive under the long term sales contract. Tennessee is not obligated to deliver a total quantity of gas under both contracts in excess of the maximum volume which Tennessee is authorized to deliver to Buyer.

The subject filings are in compliance with the Commission's order except in one particular. Paragraph (c) of the Commission's order specifically required Tennessee to file a form of service agreement for interim gas service, similar to that on file for long term service, and specifying under Term of Contract, that such contract shall continue in force and effect until October 31, 1960.

Tennessee filed a revision to its form of service agreement so as to make it applicable to the interim service but did not file a revision to that portion of the form of service agreement relating to Term of Contract. In this regard, Tennessee advised that the availability section of the proposed Rate Schedule G-6 provides that "Buyer may execute an interim gas sales contract, which contract shall terminate on October 31, 1960 \* \* \*" and advises further that all contracts executed for such service provide that "This contract shall become effective \* \* \* and shall continue in force and effect up to and including October 31, 1960." Such contracts have not yet been tendered for filing. Tennessee advises that when the contracts are filed, it will request a waiver of the terms of its form of service agreement so as to permit their acceptance. Tennessee submits that although it has not technically complied with the literal terms of the Commission's order, it has fully complied with the intent and purpose of the order. It therefore requests a waiver of the terms of the order insofar as it requires the filing of a revision to its form of service agreement so as to specify the termination date of the interim service.

Since Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1 is presently under suspension in Docket No. G-19983 and since First Revised Sheets Nos. 62, 63, 64, 65 and 66 to Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1 may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful, those tariff sheets should be suspended for a period to end concurrently with the suspension of Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1.

The Commission finds:

(1) Tennessee has complied in substance with the intent and purpose of ordering paragraph (C) of the Commission's order issued December 16, 1959 in

Docket No. G-18877, said order being entitled Findings and Order Directing the Delivery and Sale of Natural Gas, Directing that Revised Sheets to Tariff Be Filed and Amending Temporary Authorization in Docket No. G-18877.

(2) Good cause exists for waiving the 30-day notice requirement of section 4 (d) of the Natural Gas Act and of § 154.22 of the Commission's regulations under the Act with respect to the proposed First Revised Sheets Nos. 61, 63, and 65, Second Revised Sheets Nos. 62 and 64, and Original Sheet No. 163A to Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1 and for allowing these sheets to take effect as of December 16, 1959, subject to the proceedings and orders in Docket No. G-17166.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 62, 63, 64, 65, and 66, and that such tariff sheets be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) So much as is necessary of ordering paragraph (C) of the Commission's order issued December 16, 1959 in Docket No. G-18877 entitled Findings and Order Directing the Delivery and Sale of Natural Gas, Directing that Revised Sheets to Tariff Be Filed and Amending Temporary Authorization in Docket No. G-18877, is waived to permit the filing of First Revised Sheets Nos. 61, 63, and 65, Second Revised Sheets Nos. 62 and 64, and Original Sheet No. 163A to Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1, and First Revised Sheets Nos. 62, 63, 64, 65, and 66 to Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1.

(B) The 30-day notice requirement of section 4(d) of the Natural Gas Act and of Section 154.22 of the Commission's Regulations under the Act are waived with respect to the proposed First Revised Sheets Nos. 61, 63, and 65, Second Revised Sheets Nos. 62 and 64 and Original Sheet No. 163A to Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1; and these tariff sheets are allowed to take effect as of December 16, 1959, subject to the proceedings and orders in Docket No. G-17166.

(C) The issuance of this order shall constitute full notice of the filing and publication of First Revised Sheets Nos. 61, 63, and 65, Second Revised Sheets Nos. 62 and 64 and Original Sheet No. 163A to Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1 insofar as their effective date is concerned.

(D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, or practice affecting them, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting

or relating to any service, rate, charge, or classification.

(E) This order is without prejudice to any findings or orders which have been or may be made by this Commission in any proceeding now pending or hereafter instituted by or against Tennessee Gas Transmission Company.

(F) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chap. I) the proceedings heretofore ordered in Docket No. G-19983 shall also concern the lawfulness of the rates, charges, classifications, and services contained in Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 62, 63, 64, 65, and 66.

(G) Pending such hearing and decision thereon First Revised Sheets Nos. 62, 63, 64, 65, and 66 to Tennessee's FPC Gas Tariff, Eighth Revised Volume No. 1 hereby are suspended and their use deferred until April 5, 1960 and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-1597; Filed, Feb. 19, 1960;  
8:46 a.m.]

## FEDERAL RESERVE SYSTEM

### BANCORP CORPORATION

#### Notice of Tentative Decision on Application for Prior Approval of Acquisition by a Bank Holding Company of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, BancOhio Corporation, Columbus, Ohio, a bank holding company, has applied for the Board's prior approval of the acquisition of a minimum of 80 percent of the voting shares of The Hilliard Bank, Hilliards, Ohio. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof,<sup>1</sup> and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The record in this proceeding to date consists of the application, the Board's letter to the office of the Superintendent of Banks for the State of Ohio inviting the Superintendent's views and recommendations on the application, the reply of the First Deputy Superintendent, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to deny the application.

<sup>1</sup> Filed as part of the original document.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the **FEDERAL REGISTER**, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 15th day of February 1960.

By order of the Board of Governors.

[SEAL]

MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 60-1598; Filed, Feb. 19, 1960;  
8:46 a.m.]

## GENERAL SERVICES ADMINISTRATION

### Public Buildings Service

[Wildlife Order 55]

### HEADWATERS RESERVOIRS, PINE RIVER (D-MINN-420)

#### Transfer of Property

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated September 17, 1959, a portion of that property known as Headwaters Reservoirs, Pine River, Hubbard County, Minnesota, and more particularly described in said deed, has been transferred from the United States to the State of Minnesota.

2. The above-described property was transferred to the State of Minnesota for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of Public Law 537.

Dated: February 15, 1960.

KARL E. WALLACE,  
Commissioner,  
Public Buildings Service.

[F.R. Doc. 60-1617; Filed, Feb. 19, 1960;  
8:49 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

THOMAS R. REID

### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Since last report was filed I have sold my stock in The Texaco Company. I still own

stock in Ford Motor Company and Reynolds Metals Company.

This amends statement published August 13, 1959 (24 F.R. 6602).

Dated: February 1, 1960.

THOMAS R. REID.

[F.R. Doc. 60-1590; Filed, Feb. 19, 1960;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2555]

### CEMEX OF ARIZONA, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 16, 1960.

I. Cemex of Arizona, Inc. (issuer) an Arizona corporation, P.O. Box 1849, 3720 East 32d Street, Yuma, Arizona, filed with the Commission on November 17, 1958 a notification on Form 1-A and an offering circular relating to a proposed offering of 300,000 shares of its 25 cents par value common stock at \$1 per share for an aggregate amount of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances in which they are made, not misleading, particularly with respect to the value of the assets of the issuer and the failure to disclose the pendency of litigation against a principal officer of the issuer for fraud and abuse of trust.

B. The offering has been and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on

the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-1604; Filed, Feb. 19, 1960;  
8:47 a.m.]

[File Nos. 54-182, 31-626]

### CENTRAL PUBLIC UTILITY CORP. ET AL.

#### Order Denying Motion

FEBRUARY 15, 1960.

In the matters of Central Public Utility Corporation et al., File No. 54-182; Central Public Utility Corporation, File No. 31-626.

The Commission having by order dated February 3, 1960, (Holding Company Act Release No. 14157) denied the petition of Wade H. Cooper, a former holder of voting trust certificates of Central Public Utility Corporation ("Cenpuc"), which requested, in effect, a modification of the plan filed by Cenpuc under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") and which was approved by the Commission (33 S.E.C. 555 (June 13, 1952)); and

Wade H. Cooper having, on February 10, 1960, filed a motion with the Commission renewing his petition and requesting that the order of February 3, 1960, denying the petition be vacated and set aside; and

The Commission having considered the reasons set forth in support of said motion, and having determined that the reasons are insufficient to justify vacating the order of February 3, 1960:

It is ordered, That the motion be, and it hereby is, denied.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-1605; Filed, Feb. 19, 1960;  
8:47 a.m.]

[File No. 24D-2230]

### CONTINENTAL MINERAL RESOURCES, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 16, 1960.

I. Continental Mineral Resources, Inc. (issuer) a Nevada corporation, 139 North Virginia Street, Reno, Nevada, filed with the Commission on June 11, 1957 a notification on Form 1-A and an offering circular relating to a proposed public offering of 300,000 shares of its 10¢ par value common stock at \$1 per share for an aggregate amount of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursu-



ant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder:

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has:

1. Failed to file a report on Form 2-A as required by Rule 260 of Regulation A; and

2. Offered and sold securities with the use of an offering circular which failed to reflect prior offers and sales of the company's securities.

B. The notification and offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in failing to reflect prior offers and sales of the issuer's securities.

III. It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 60-1606; Filed, Feb. 19, 1960;  
8:47 a.m.]

[File No. 70-3855]

## WEST TEXAS UTILITIES CO.

### Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

FEBRUARY 15, 1960.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to said declaration on file in the Headquarters Office of the Commission for a statement of the proposed trans-

actions which are summarized as follows:

West Texas proposes to issue and sell from time to time after March 1, 1960, unsecured promissory notes to each of the banks and up to the maximum amounts listed below:

Bank	Maximum amount
The First National Bank of Chicago (Chicago, Ill.)	\$2,400,000
Bankers Trust Company (New York, N.Y.)	1,500,000
The Chase Manhattan Bank (New York, N.Y.)	575,000
First National Bank of Abilene (Abilene, Tex.)	300,000
Citizens National Bank in Abilene (Abilene, Tex.)	250,000
First National Bank in Dallas (Dallas, Tex.)	250,000
The Fort Worth National Bank (Fort Worth, Tex.)	250,000
The First State Bank (Abilene, Tex.)	150,000
San Angelo National Bank (San Angelo, Tex.)	150,000
First National Bank (San Angelo, Tex.)	100,000
Central National Bank (San Angelo, Tex.)	75,000
Total	\$6,000,000

Each note will be dated as of the date each borrowing is made; will mature on a date not later than one year from the date of the first borrowings; will bear interest from the date thereof, until maturity, at the prime rate of interest in effect at The First National Bank of Chicago on the date each such borrowing is made, payable at maturity, and after maturity at the rate of 6 percent per annum; and may be prepaid in whole or in part at any time, without penalty. Each borrowing and prepayment will be made in the ratio that the total commitment of each of the banks bears to the aggregate amount (\$6,000,000) of the commitments of all of the banks. It is contemplated that the first borrowings, aggregating about \$2,400,000, will be made on or prior to March 9, 1960.

The proceeds from the sale of the notes, to the extent of \$2,400,000 together with \$600,000 of treasury funds, will be used by West Texas to pay \$3,000,000 of its unsecured notes which will become due March 9, 1960, and the balance will be used to finance a portion of its construction expenditures for 1960 and 1961. Construction expenditures for the year 1960 are estimated at about \$8,200,000, and for the first quarter of 1961 at about \$2,600,000.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$900, of which counsel fees amount to \$500.

Notice is further given that any interested person may, not later than March 2, 1960, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be ad-

dressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 60-1607; Filed, Feb. 19, 1960;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 17, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 36016: *Clay from, to and between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3910), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application from specified origins in Alabama, Florida, Georgia, North Carolina, and South Carolina to points in southern, official (including Illinois) and western trunk-line territories.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 30 to Southern Freight Association tariff I.C.C. S-40. FSA No. 36017: *T.O.F.C. service—Class rates from Clovis and Gallaher, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B-7740), for interested rail carriers. Rates on various commodities moving on class rates, loaded in trailers and transported on railroad flat cars between Clovis and Gallaher, N. Mex., on the one hand, and specified points in official (including Illinois), southwestern and western trunk-line territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 22 to Southwestern Freight Bureau tariff I.C.C. 4335, and three other schedules named in the application.

FSA No. 36018: *Substituted service—Pan-Atlantic Steamship Corporation for Bader Bros., Inc., et al.* Filed by Movers' & Warehousemen's Association of America, Inc., for interested carriers. Rates on property loaded in highway trailers and transported aboard ships, between Port of New York, N.Y., on the one hand, and Miami and Tampa, Fla., New Orleans, La., and Houston, Tex., on the other, and from Jacksonville, Fla., to New York, N.Y., on traffic originating

at or destined to such points or point beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36019: *Potash from Eunice, N. Mex., to WTL, official and southern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7741), for interested rail carriers. Rates on potassium (potash) and related articles, in carload, as described in the application from Eunice, N. Mex., to specified points in western trunk-line, official, and southern territory, also eastern Canada.

Grounds for relief: Market competition.

Tariff: Supplement 670 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36020: *Joint Motor-rail rates—C. R. I. & P. and Scherer Freight Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 218), for the Chicago, Rock Island and Pacific Railroad, and Scherer Freight Lines, Inc. Rates on general commodities moving on class or commodity rates, loaded in or on trailers of the motor lines over highways of the motor lines, thence transported on railroad flat cars of the railroad between points in Illinois, Indiana, Missouri, and Wisconsin, on the lines of the applicant motor carrier, on the one hand, and specified points on the lines of the Chicago, Rock Island and Pacific Railroad, on the other, as named in the application, via junction points named therein.

Grounds for relief: Motor-carrier competition.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-1610; Filed, Feb. 19, 1960;  
8:48 a.m.]

[Notice 267]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 17, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested

person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62664. By order of February 15, 1960, the Transfer Board approved the transfer to A. Knorr's Express, Inc., Irvington, N.J., of Certificate in No. MC 1068, issued May 20, 1941, to Arthur Knorr, doing business as A. Knorr's Express, Irvington, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between specified points in New Jersey and New York, and empty cartons and tin tubes, between Hillside, N.J., on the one hand, and, on the other, Stamford, Conn., and Baltimore, Md. Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 62796. By order of February 15, 1960, the Transfer Board approved the transfer to Dale McElhinney, doing business as Danville Truck Line, Danville, Iowa, of Certificates Nos. MC 69352 and MC 69352 Sub 1, issued May 11, 1949 and October 28, 1953; respectively, to Don Oberman, Danville, Iowa, authorizing the transportation of: Animal and poultry feed, from DeKalb, Ill., to Danville, Iowa, and points in Iowa within 20 miles thereof; commercial fertilizer, from Prairie du Chien, Wis., and DeKalb, Ill., to Danville, Iowa, and points in Iowa within 20 miles thereof; livestock, feed, and agricultural commodities, between Danville, Iowa, and points within 12 miles of Danville, on the one hand, and, on the other, Chicago, Galesburg and Peoria, Ill.; household goods and emigrant movables, between Danville, Iowa, and points within 12 miles of Danville, not including Burlington and New London, Iowa, on the one hand, and, on the other, points in Illinois; feed, from Forest Park, Ill., to Danville, Iowa, and points within 12 miles of Danville; and coal, from points in Tazewell, Knox and Peoria Counties, Ill., to Danville, Iowa, and points within 12 miles of Danville, not including Burlington, Iowa.

Don. K. Walter, Farmers & Merchants Bank Building, Burlington, Iowa, for applicants.

No. MC-FC 62867. By order of February 15, 1960, the Transfer Board approved the transfer to Daily Service, Inc., of Harrisburg, Pa., of a portion of Certificate in No. MC 117040, issued January 15, 1958, to Gregory Trucking Corporation, Newark, N.J., authorizing the transportation of: General commodities, excluding commodities in bulk and other specified commodities, between Yonkers, N.Y., on the one hand, and, on the other, points in Connecticut to the Connecticut-New York State line, and points in New York. John W. Frame, 603 North Front Street, Harrisburg, Pa. for applicants.

No. MC-FC 62880. By order of February 15, 1960, the Transfer Board approved the transfer to Raymond Anthony O'Brien, doing business as Move The Wright Way, 40 Ridgeway Street, Lynn, Massachusetts, of the operating rights in Certificate No. MC 33985, issued December 31, 1958, to Neil James McMullen, doing business as Move The Wright Way, 37 Everett Street, Lynn, Massachusetts, authorizing the transportation, over irregular routes, of household goods, office furniture and equipment, and store fixtures, between Lynn and Boston, Mass., on the one hand, and, on the other points in Maine and New Hampshire.

No. MC-FC 62892. By order of February 15, 1960, the Transfer Board approved the transfer to Converse Transportation, Inc., Berkeley, Calif., of a portion of Certificate No. MC 41601, issued December 1, 1955, to Converse Trucking Service, Berkeley, Calif., authorizing the transportation of: Machinery and machinery parts, and mining and construction materials, equipment, and supplies, between points, both of which are located in the same state, in Idaho, Utah, and Montana, as further restricted, and between points in California, on the one hand, and, on the other, points in Idaho, Montana, and Utah. Bertram S. Silver, 100 Bush Street, San Francisco, Calif., for applicants.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-1611; Filed, Feb. 19, 1960;  
8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—FEBRUARY

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during February. Proposed rules, as opposed to final actions, are identified as such.

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# PART II

# FEDERAL REGISTER

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## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 8—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

On July 17, 1959, notice was published in the *FEDERAL REGISTER* (24 F.R. 5742) that the Secretary of Labor proposed to amend Subtitle A of Title 29, Code of Federal Regulations, by adding thereto a new Part 8 promulgating safety and health regulations for ship repairing pursuant to amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 33 U.S.C. 941):

In order that interested persons have opportunity to participate in the rule making process by submission of oral and written data, views and arguments, public hearings for this purpose were held on the proposed regulations at Chicago, Illinois, New Orleans, Louisiana, San Francisco, California, and New York, New York on August 17, August 24, August 31 and September 8, 1959, respectively. After each such hearing, interested parties were afforded copies of the transcript of each hearing and afforded opportunity for the submission of written comments. The time for filing such comments expired October 5, 1959, and the transcript of each hearing, exhibits, written submissions and posthearing proposals and supporting reasons were duly certified by the hearing examiners to the Secretary of Labor on October 6, 1959:

Representatives of 39 employers in the industry, 17 trade associations, 9 labor organizations and the Bureau of Ships, Department of the Navy, the United States Coast Guard and the Maritime Administration participating in the proceedings submitted data, views and arguments. After consideration of all relevant matter submitted, and other information and materials within my official cognizance, I conclude that the proposed regulations, as hereinafter amended, should be adopted:

The basis and purpose of the regulations of Part 8 is that stated in § 8.1 of Subpart A of Part 8.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under authority of Public Law 85-742 (72 Stat. 835), amending section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941), and R.S. 161 (5 U.S.C. 22), Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new Part 8 to read as follows:

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#### Appendix I—Threshold Limit Values

Authority: §§ 8.1 to 8.84 and Appendix I issued under Public Law 85-742, 72 Stat. 835, amending 44 Stat. 1444, 33 U.S.C. 941, and R.S. 161, 5 U.S.C. 22.

#### Subpart A—General Provisions

##### § 8.1 Basis and purpose.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85-742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may

determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85-742.

(b) Pursuant to Public Law 85-742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1-1388, *passim*), including, but not restricted to, the master, ship's officers, crew members; design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

### § 8.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon employers any of whose employees are engaged in any ship repair or related employments aboard any vessel upon the navigable waters of the United States, including any dry dock or marine railway, where an injury to such employees would be within the jurisdiction of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) as amended.

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

### § 8.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related services as defined in this section within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(d) The term "employee" means any ship repairman or other person engaged in ship repair or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways, other than the master, ship's

officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and bows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(g) For purposes of § 8.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 8.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "ship repair" means any repair of a vessel including, but not restricted to, alterations, installations, cleaning, painting, and maintenance work.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to insure the safety of employees as required by the particular regulation under the condition to which it applies.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom, tank, cofferdam, or other space which by its confined nature can readily create or aggravate a hazardous exposure.

(n) The term "hot-work" means riveting, welding, burning or other fire or spark producing operations.

(o) The term "cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

### § 8.4 Penalty.

(a) As provided in Public Law 85-742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place

of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$100 nor more than \$3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than \$100 nor more than \$3,000.

(b) The liability under this provision of Public Law 85-742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

### § 8.5 Variation from the regulations of this part.

(a) As provided in Public Law 85-742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

### § 8.6 Reference specifications, standards, and codes.

(a) Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

American Bureau of Shipping, Inc., 45 Broad Street, New York 4, N.Y., Subpart B, § 8.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois, Subpart B, § 8.12(b) and Subpart C, § 8.24(b) (7).

American Standard Safety Code for Portable Wood Ladders, A 14.1-1959, American Standards Association, Inc., 70 East 45th Street, New York 17, N.Y., Subpart E, § 8.42(a) (6).

American Standard Safety Code for Portable Metal Ladders, A 14.2-1956, American Standards Association, Inc., 70 East 45th Street, New York 17, N.Y., Subpart E, § 8.42(a) (4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1—1959, American Standards Association, Inc., 70 East 45th Street, New York 17, N.Y., Subpart I, §§ 8.81(a)(1), 8.83(b).

### § 8.7 Amendment of the regulations of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

## Subpart B—Explosive and Dangerous Atmospheres

### § 8.11 Precautions before entering.

(a) *Gassy atmospheres.* (1) Before employees are initially permitted to enter any of the following ship's spaces either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 8.82 (a) and (b) or the atmosphere shall be tested by a competent person to ensure that it is safe.

(i) Cargo spaces or other spaces containing, or having last contained combustible or flammable liquids or gases in bulk.

(ii) Cargo spaces or other spaces containing or having last contained bulk liquid or gas cargoes of a poisonous, corrosive, or irritant nature.

(iii) Spaces immediately above or adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(iv) Spaces that have been fumigated.

(2) If the atmosphere is found to be safe, the provisions of § 8.12 shall apply.

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter any spaces not covered by paragraph (a)(1) of this section, or any sealed compartments or other spaces which have been in a state of preservation, or any poorly ventilated compartments which have been freshly painted, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 8.82 (a) and (b), or the atmosphere shall be tested with an oxygen indicator or other suitable device to ensure that it contains sufficient oxygen to sustain life.

(2) For purposes of this paragraph, an atmosphere containing 16.5 percent oxygen or capable of supporting a flame shall be considered to contain sufficient oxygen to sustain life.

(3) Mechanical ventilation which will provide at least one complete change of uncontaminated air may be substituted in lieu of either of the requirements of subparagraph (1) of this paragraph.

### § 8.12 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove scale and debris or other cold work in spaces described in § 8.11(a)(1) (i) through (iv) before they have been certified as gas-free only under the following conditions:

(1) A competent person shall determine that the atmosphere is safe and that any hazardous atmospheric condition that might develop would arise only from residues capable of producing dangerous gases but not to the extent of creating an atmosphere immediately dangerous to life.

(2) Either continuous natural or mechanical ventilation shall be provided sufficient to maintain a safe atmosphere in the breathing zone of employees, or the employees shall be protected by suitable filter type respiratory protective equipment meeting the requirements of § 8.82 (a) and (c) while in the space.

(3) Cold work only shall be permitted.

(b) In spaces described in paragraph (a) of this section, only approved explosion-proof, self-contained battery fed portable lamps shall be used. Portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D, or approved as permissible by the U.S. Bureau of Mines, and lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

### § 8.13 Gas freeing before hot work is begun.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated tools on any vessel in or on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, or in spaces adjacent thereto, or on lines and fittings connected to any of the foregoing spaces until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a gas chemist certificated by the American Bureau of Shipping, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01-1(1) for tank vessels, 46 CFR 71.60-1(a)(1) for passenger vessels, and 46 CFR 91.50-1(a)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection.

### § 8.14 Maintaining gas free conditions.

The following rules shall apply in maintaining gas free conditions:

(a) Pipe lines which may convey hazardous substances into the spaces certified "Safe For Men—Safe For Fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not resumed until such time as the area has been retested and again certified "Safe For Men—Safe For Fire" in accordance with the requirements of § 8.13.

(b) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves,

closures and vents, except those which are vented up masts, connecting with non-gas free tanks or compartments below, shall be closed. Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the gas free certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a gas-free certificate has been issued, a competent person shall make tests to ensure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new gas-free certificate in accordance with the requirements of § 8.13 shall be obtained before work is resumed.

(e) Before hot work is begun on any metal covered with preservative coatings the requirements of § 8.33 shall be met.

(f) When tests for hazardous atmospheres are made by the employer, the employer shall maintain a record of the date, time, location and results of the tests until such time as the work is safely completed.

### § 8.15 Warning signs.

(a) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been certified "Safe For Men—Not Safe For Fire", or "Not Safe For Men—Not Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(b) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been inerted with gas shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment, or space contains a gas which will not support life.

(c) The warning marks or signs required by paragraphs (a) and (b) of this section need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe For Men—Not Safe For Fire", "Not Safe For Men—Not Safe For Fire", or if the entire vessel has been inerted, and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.

## Subpart C—Surface Preparation and Preservation

### § 8.21 Toxic cleaning solvents.

(a) Before any solvents are used, the employer shall ascertain, whenever, pos-

sible, the toxic properties of such solvents and shall employ at least one of the following measures to safeguard the health of employees exposed to toxic solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to the point at which an unsafe concentration does not exist.

(3) Employees shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 8.82 (a) and (c).

(b) The Table of Threshold Limit Values set forth in Appendix I shall be used as a guide in determining safe concentrations of vapors.

(c) When the toxic properties of a solvent cannot be ascertained or the concentration of its vapors cannot be determined, employees shall be protected by respiratory protective equipment in accordance with the requirements of § 8.82 (a) and (c).

(d) The employer shall advise the employees who are exposed to solvents of the hazardous nature of the solvents and of the measures taken to safeguard their health.

#### § 8.22 Chemical paint removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint removers. Where there is a hazard from flying or splashing particles, employees shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 8.81 (a).

(b) The following additional precautions shall be taken when applicable, depending upon the type of solvent used.

(1) When using flammable paint removers with low flash points, such as those containing benzol, amyl acetate and acetone, the following special precautions shall be taken to prevent fire.

(i) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(ii) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit.

(iii) Solvent soaked rags and scrapings shall be kept in a covered metal container.

(2) When using paint removers which contain volatile and toxic solvents, such as benzol, acetone, and amyl acetate, the provisions of § 8.21 shall be applicable.

(3) When using paint and rust removers containing strong acids or alkalis, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(4) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

#### § 8.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 8.81 (a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 8.72.

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 8.82 (a) and (d).

(b) *Prohibition of flame removal.* (1) Preservative coatings shall not be removed by flame from accessible surfaces. When preservative coatings containing toxic materials specified in § 8.31 (c) (1) and (2) must be removed from surfaces which are inaccessible to any method of removal other than by flame, removal by flame is permissible provided that precautions are taken as required by § 8.31 (c) (1) and (2).

(c) *Abrasive blasting—(1) Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) Hoses. Hose of a type to prevent shocks from static electricity shall be used.

(ii) Hose Couplings. Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) Nozzles. Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.*—(i) Abrasive blasters shall be protected by hoods and airline respirators or air helmets, of a positive pressure type in accordance with the requirements of § 8.82 (a).

(ii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 8.81 (a) and (b) and 8.82 (a) and (d).

(iii) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(iv) Since surges from drops in pressure in the hose line can be of sufficient

proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

#### § 8.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by airline respirators in accordance with the requirements of § 8.82 (a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by airline respirators in accordance with the requirements of § 8.82 (a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 8.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 8.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 8.82 (a) and (c).

(3) In all cases in which paints produce flammable vapor, sufficient ventilation, either mechanical or natural, to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit shall be provided.

(b) *Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapor rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.



(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type with non-ferrous fan blades. Air ducts shall also be of non-ferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic, gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on non-ferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by airline respirators in accordance with the requirements of § 8.82(a). Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 8.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 8.82 (a) and (e).

## Subpart D—Welding, Cutting, and Heating

### § 8.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen from a cylinder or torch shall not be used for ventilation purposes.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b) (3) and (c) (2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) More than one means of access shall be provided to a confined space except in cases in which the U.S. Coast Guard prohibits, or the structure of the vessel makes impracticable, additional openings. The ventilating ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 8.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base of filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 8.82(a). Employees performing such operations in the open air shall be protected by a filter type respirator in accordance with requirements of paragraph (a) and subdivision (d) (iv) of § 8.82.

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 8.36(c) shall be protected by filter lenses meeting the requirements of § 8.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles, of a suitable type meeting the requirements of § 8.81 (a) and (c), shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when the helmet is lifted or shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel,

the requirements of paragraph (c) (2) of this section shall be met to protect against dangerous concentrations of nitro-nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 8.81 (a) and (c).

#### § 8.32<sup>1</sup> Fire prevention.

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be available and shall be maintained in a state of readiness for instant use.

(e) When the welding, cutting or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting or heating operations are being performed and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during the lunch hour. Overnight the torch and hose shall be removed from the confined space.

#### § 8.33 Welding, cutting and heating in way of preservative coatings.

(a) All accessible surfaces, seams and points to be welded, cut or heated shall first be stripped of all toxic or flammable hardened preservative coatings, except platings such as galvanizing, for a distance of at least four (4) inches from the area of heat application.

(b) When welding, cutting or other heating must be done in locations inaccessible to removal of preservatives containing the toxic materials specified in paragraphs (c) (1) and (2) of this section, precautions shall be taken as required by that paragraph.

(c) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will insure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to insure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned.

(d) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to insure that the operation can be resumed safely.

(e) A record of the date, time, location and results of the tests required by paragraphs (c) and (d) of this section shall be maintained until such time as the work is safely completed.

(f) The application of heat or flame to melt or facilitate the removal of preservative coatings is prohibited.

#### § 8.34 Welding, cutting, and heating of hollow metal containers and structures not covered by § 8.12 of this part.

(a) Drums, containers or hollow structures which have contained flammable substances shall be thoroughly cleaned of such substances before welding, cutting or heating is undertaken on them.

(b) If, after being cleaned, a drum, container or hollow structure is filled with water, before heat is applied, a vent or opening located above the water level shall be provided for the release of any

built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations so as to release any pressure which may build up during the application of heat.

#### § 8.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) The cylinder valves shall be closed before cylinders are moved, when the work is finished, or when the cylinders are empty.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

<sup>1</sup> 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargos are being handled.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on acetylene cylinders shall not be opened more than 1½ turns. Where a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of an acetylene cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will

effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(c) *Manifolds.* (1) Manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) All manifolds shall be placed in safe and accessible locations.

(3) Manifold hose connections shall be such that hose cannot be interchanged between fuel gases and oxygen manifolds. Adaptors shall not be used to permit the interchange of hose. Manifold hose connections shall be kept free of grease and oil.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. One of the two hoses shall be labeled at intervals not to exceed six (6) feet to indicate the gas carried. Oxygen and fuel gas hose shall not be interchangeable.

(2) When parallel sections of oxygen and acetylene hose are taped together, not more than four (4) inches out of eight (8) inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

#### § 8.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the welder grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All welding cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the welder is working.

(2) Only cable free from repair or splices for a minimum distance of ten

(10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the welding unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the welder to electric shock.

(3) When the welder has occasion to leave his work or to stop work for any appreciable length of time, or when the welding machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

#### § 8.37 Uses of fissionable material in ship repair.

(a) In ship repair and related activities involving the use of and exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent

persons under direction and supervision of the licensee, shall perform such work.

#### Subpart E—Scaffolds, Ladders, and Other Working Surfaces

##### § 8.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, loose tile blocks, loose piles of bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

#### (b) *Independent pole wood scaffolds.*

(1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with Table E-1.

TABLE E-1  
DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pds. per square foot)			Heavy duty (25 to 75 pds. per square foot)		
	Height in feet			Height in feet		
	24 or less	24-40	40-60	24 or less	24-40	40-60
Poles or uprights (in inches).....	2x4	3x4 or 2x6	4x4	3x4	4x4	4x6
Bearers (in inches)....	2x6	2x6	2x6	2x8	2x8	2x10
Ledgers (in inches)....	2x6	2x6	2x6	2x8	2x8	2x8
Stringers (not supporting bearers) (in inches).....	1x6	1x6	1x6	1x6	1x6	1x6
Braces (in inches).....	1x4	1x6	1x6	1x6	1x6	1x6
Pole spacing - longitudinally (in ft.)..	7-1/2	7-1/2	7-1/2	7	7	7
Pole spacing - transversely (in feet)....	6-1/2 min.	7-1/2 min.	8-1/2 min.	6-1/2	10	10
Ledger spacing - vertically (in feet)....	7	7	7	4-1/2	4-1/2	4-1/2

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.*

(1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than  $1\frac{1}{16}$  x  $2\frac{3}{4}$  inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than  $1\frac{1}{16}$  x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than  $1\frac{1}{16}$  x  $2\frac{1}{4}$  inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than  $1\frac{1}{16}$  x  $2\frac{1}{2}$  inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than  $1\frac{1}{16}$  x  $2\frac{3}{4}$  inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than  $5\frac{1}{2}$  inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle

ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than  $\frac{3}{8}$  inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade  $\frac{3}{4}$  inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron  $\frac{3}{4}$  inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and mid-rail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum

specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12) and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E-2.

TABLE E-2  
SPECIFICATIONS FOR SIDE RAILS OF LADDERS.

Length (in feet)	Cross section (in inches)	
	At ends	At center
15.....	$1\frac{1}{8}$ x $2\frac{3}{4}$	$1\frac{1}{8}$ x $3\frac{3}{4}$
16.....	$1\frac{1}{8}$ x $2\frac{3}{4}$	$1\frac{1}{8}$ x $3\frac{3}{4}$
18.....	$1\frac{1}{8}$ x 3	$1\frac{1}{8}$ x 4
20.....	$1\frac{1}{8}$ x 3	$1\frac{1}{8}$ x 4
24.....	$1\frac{1}{8}$ x 3	$1\frac{1}{8}$ x $4\frac{1}{2}$

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than  $\frac{5}{16}$  inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than  $1\frac{1}{8}$  inches in diameter, with  $\frac{3}{8}$  inch tenons mortised into the side rails not less than  $\frac{3}{8}$  inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than  $\frac{3}{8}$  inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers, securely nailed thereto, and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards  $\frac{7}{8}$  inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E-3.

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
Legs.....	Inches 2 x 4	Inches 3 x 4	Inches 4 x 6
Bearers or headers....	2 x 6	2 x 8	4 x 6
Crossbraces.....	2 x 4	2 x 4	2 x 6
Longitudinal braces....	1 x 8 2 x 4	2 x 6	2 x 6

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E-4 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding or staging which is supported or suspended more than 8 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform or runway and a mid-rail located half way between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted, employees working more than 8 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 8.84(b), and employees working over water shall be protected by buoyant working vests meeting the requirements of § 8.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from

TABLE E-4  
SAFE CENTER LOADS FOR SCAFFOLD  
PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1 5/8 x 9 1/2	2 x 12	1 5/8 x 11 1/2	3 x 8	2 5/8 x 7 1/2	3 x 10	2 5/8 x 9 1/2	3 x 12	2 5/8 x 11 1/2
6	256	309	526	667	807					
8	192	232	395	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16	---	116	197	250	303					

(A) - Rough lumber  
(B) - Dressed lumber



scaffolds, on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access to fixed staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with mid-rails.

(3) The side rails of ladders used for access to staging shall extend not less than 36 inches above the top landing. When this is not practical, grab rails which will provide a secure grip for an employee moving from the ladder to the platform shall be installed.

(4) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(5) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

#### § 8.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered they shall be immediately withdrawn from service.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.*

(1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than  $\frac{1}{2}$  inch in diameter or within  $\frac{1}{2}$  inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding  $\frac{1}{8}$  inch in width, 2 inches in length and  $\frac{1}{2}$  inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11 $\frac{1}{2}$  inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least  $\frac{1}{4}$  inch for each additional 2 feet of length.

(6) Side rails shall be at least 1 $\frac{5}{8}$  x 3 $\frac{5}{8}$  inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails  $\frac{1}{2}$  inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least  $2\frac{5}{32}$  x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least  $2\frac{5}{32}$  x 3 $\frac{3}{4}$  inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five tenpenny common wire nails or fastened with through bolts or other fastenings of equivalent strength.

#### § 8.43 Guarding of deck openings.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

#### § 8.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to

board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1), and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(4) The gangway shall be kept properly trimmed at all times.

(5) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(6) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(7) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid-rails on both sides.

(8) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(9) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(10) Obstructions shall not be laid on or across the gangway.

(11) The means of access shall be adequately illuminated for its full length.

(12) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (9), (10), (11) of this section shall be provided for access from wing wall to

vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of paragraph (1) or a safe walkway in accordance with the requirements of paragraph (a) (7) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (9), (10) and (11) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

#### § 8.45 Access to floating dry docks.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway shall have a railing at least 42 inches in height with a mid-rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid-rail. When such a railing would be impractical or ineffective, other effective means shall be provided to prevent men from falling into the water.

#### § 8.46 Access to cargo spaces.

(a) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of paragraph (a). When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 8.44(d) may be used.

(d) When cargo is stowed within 4 inches of the back of ladder rungs, the

ladder shall be deemed "unsafe" for the purpose of this section.

### Subpart F—General Working Conditions

#### § 8.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all debris such as welding rod tips, bolts, nuts, and similar material. Welding leads, burner hose and air hose in aisles or passageways shall be elevated over or placed under the walkway surfaces or covered by cross-over planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents, waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

#### § 8.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 8.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-

gas free spaces, portable lights shall meet the requirements of § 8.12(b).

#### § 8.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the plant, the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ascertain from responsible vessel's representatives, having a knowledge of the condition of the vessel's electrical system, that all circuits to be energized are in a safe condition.

#### § 8.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 8.31(b)(4), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

#### § 8.55 Work on or in the vicinity of radar and radio.

(a) No employees shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured and tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

#### § 8.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that precautions have been taken to prevent the boat from falling due to accidental tripping of the re-

leasing gear, movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

#### § 8.57 Health and sanitation.

(a) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employee. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(b) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

(c) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall insure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

#### § 8.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.  
Gauze compress bandages, 4 inch.  
Adhesive bandages, 1 inch.  
Triangular bandage, 40 inch.  
Ammonia inhalants and ampules.  
Antiseptic applicators or swabs.

Burn dressing.

Eye dressing.

Wire or thin board splints.

Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out

on each job to insure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services carry such stretchers.

### Subpart G—Gear and Equipment for Rigging and Materials Handling

#### § 8.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each use and, when necessary, at intervals during its use to ensure that it is safe.

(b) The safe working load of gear as specified in §§ 8.62 through 8.66 shall not be exceeded.

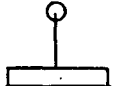

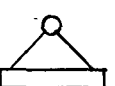

#### § 8.62 Manila rope and manila rope slings.

Table G-1 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where U-bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

TABLE G-1  
MANILA ROPE  
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
					
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6



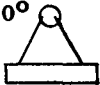
#### § 8.63 Wire rope and wire rope slings.

(a) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.



Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.  
 (B) - Mechanical Sleeve attachment.  
 (C) - Hand Tucked Splice attachment.

TWO - LEG BRIDLE OR BASKET HITCH												
Rope Dia. Inches	Vertical			30° 			45° 			60° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.

(B) - Mechanical Sleeve attachment.

(C) - Hand Tucked Splice attachment.

TABLE G-6  
NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Rope diameter (inches)	Improved plow steel	Minimum spacing (inches)
3/4	4	3
5/8	4	3 3/4
3/4	5	4 1/2
5/8	5	5 1/4
3/4	6	6
5/8	6	6 3/4
3/4	7	7 1/2
5/8	7	8 1/4
3/4	8	9

§ 8.64 Chains and chain slings.

(a) Tables G-7 and G-8 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use

TABLE G-8  
ALLOY STEEL CHAIN  
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(c) Interlink wear, not accompanied by stretch in excess of 5 percent, shall

be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9, has been reached.

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph (d) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for

TABLE G-9  
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
3/8	3/64
1/2	7/64
5/8	9/64
3/4	5/32
7/8	11/64
1	3/16
1-1/8	7/32
1-1/4	1/4
1-3/8	9/32
1-1/2	1/2
1-5/8	5/8
1-3/4	11/8

TABLE G-7  
WROUGHT IRON CHAIN  
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 7/8	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
* 3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
* 1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
* 5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

\* These sizes of wrought iron chain are no longer manufactured in the United States.



annealing or normalizing. Alloy chains shall never be annealed.

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

#### § 8.65 Shackles.

(a) Table G-10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G-10  
SAFE WORKING LOADS FOR SHACKLES  
(In tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 5/8	2	16.2
2	2 1/4	21.2

#### § 8.66 Hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

#### § 8.67 Chain falls.

(a) Chain falls shall be clearly marked to show the capacity, and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, the sheaves, pinion, and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall is secured shall be of adequate strength to support the weight of load and gear which will be applied.

#### § 8.68 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab

clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eye-bolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded where they pass over sharp edges or corners of loads to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Both ends of idle slings shall be secured to the hooks.

(h) Employees shall not be permitted to ride the hook or the load.

#### § 8.69 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

### Subpart H—Tools and Related Equipment

#### § 8.71 Power tools; general precautions.

(a) Hand lines shall be provided to handle tools and materials so that employees can have their hands free when using ladders. The use of hoses or power cables for this purpose shall be prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

#### § 8.72 Portable electric tools.

(a) The frames of portable electric tools and appliances shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

(e) The employer shall notify the officer in charge of the vessel before using electric power tools operated with the vessel's current.

#### § 8.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

#### § 8.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor stands and bench mounted abrasive wheel stands shall be provided with work rests which are rigidly supported and readily adjustable.

(c) All portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meet-

ing the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 8.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

#### § 8.75 Powder actuated tools.

(a) *General precautions.* (1) Powder-actuated tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within  $\frac{1}{2}$  inch of the unsupported edge or corner. When fastening other material, such as 2 x 4-inch lumber to a concrete surface, fasteners of greater than  $\frac{1}{2}$  inches shank diameter shall not

be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastening into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated tools shall be protected by eye protection equipment in accordance with the requirements of § 8.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

### Subpart I—Personal Protective Equipment

#### § 8.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye

hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.*

(1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets or hand shields equipped with filter lenses in accordance with the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I-1, except that variations of one or two shade numbers are permissible to suit individual preferences.

TABLE I-1  
FILTER LENSES FOR PROTECTION AGAINST  
RADIANT ENERGY

Operation	Shade No.
Soldering.....	2
Torch Brazing.....	3 or 4
Light cutting, up to 1 inch.....	3 or 4
Medium cutting, 1-6 inches.....	4 or 5
Heavy cutting, over 6 inches.....	5 or 6
Light gas welding, up to $\frac{1}{8}$ inch.....	4 or 5
Medium gas welding, $\frac{1}{8}$ - $\frac{1}{4}$ inch.....	5 or 6
Heavy gas welding, over $\frac{1}{4}$ inch.....	6 or 8
Shielded Metal-Arc Welding $\frac{1}{16}$ -to $\frac{5}{16}$ -inch electrodes.....	10
Inert-gas Metal-Arc Welding (Non-ferrous) $\frac{1}{16}$ -to $\frac{5}{16}$ -inch electrodes.....	11
Inert-gas Metal-Arc Welding (Ferrous) $\frac{1}{16}$ -to $\frac{5}{16}$ -inch electrodes.....	12
Shielded Metal-Arc Welding: $\frac{3}{16}$ -to $\frac{1}{4}$ inch electrodes.....	12
$\frac{5}{16}$ -to $\frac{3}{4}$ inch electrodes.....	14
Atomic Hydrogen Welding.....	10 to 14
Carbon Arc Welding.....	14

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I-1.

#### § 8.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained

in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type

and concentration of the gaseous contaminant as follows:

(i) In high or 'unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone, and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or

an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c) (2) of this section and a filter for the particulate type of particulate contaminant as specified in paragraph (d) (1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

#### § 8.83 Head and foot protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

#### § 8.84 Life saving equipment.

(a) *Buoyant working vests.* (1) When employees are working from small boats or floats, near the unguarded edges of decks, or over water on scaffolds without guard rails, they shall be protected by U.S. Coast Guard approved buoyant working vests.

(b) *Safety belts and life lines.* (1) When employees are working aloft, or over a solid surface on staging more than 8 feet high without guard rails, they shall be protected by safety belts equipped with life lines which are secured with a minimum amount of slack to a fixed structure.

(2) When employees are working in atmospheres immediately dangerous to life, they shall be protected by a safety belt and an adequate, attended life line.

(3) Prior to each use, belts and life lines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts and life lines shall not be used.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each stag-

## RULES AND REGULATIONS

ing float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel on which employees are working over water or close to unguarded deck edges there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

## Appendix I

## THRESHOLD LIMIT VALUES

Threshold limits should be used as guides in the control of health hazards and should not be regarded as fine lines between safe and dangerous concentrations. They represent conditions under which it is believed that nearly all workers may be repeatedly exposed, day after day, without adverse effect. The values listed refer to time weighted average concentrations for a normal workday. The amount by which these figures may be exceeded for short periods without injury to health depends upon a number of factors, such as the nature of the contaminant, whether very high concentrations even for short periods produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All must be taken into consideration in arriving at a decision as to whether a hazardous situation exists. Special consideration should be given to the application of these values in the evaluation of the health hazards which may be associated with exposure to combinations of two or more substances.

Threshold limits are based on the best available information from industrial experience, from experimental studies, and, when possible, from a combination of the two. These values are based on various criteria of toxic effects or on marked discomfort; thus, they should not be used as a common denominator of toxicity, nor should they be considered as the sole criterion in proving or disproving diagnosis of suspected occupational disease.

These limits are intended for use in the field of industrial hygiene and should be employed by persons trained in this field.

## RECOMMENDED VALUES

## GASES AND VAPORS

Substance	P.p.m. <sup>1</sup>	Approx. mg. per cu. m. <sup>2</sup>
Acetaldehyde.....	200	360
Acetic acid.....	10	25
Acetic anhydride.....	5	20
Acetone.....	1,000	2,400
Acetylene-tetrabromide.....	1	14
Acrolein.....	0.5	1.2
Acrylonitrile.....	20	45
Allyl alcohol.....	5	12
Allyl chloride.....	5	15
Allyl propyl disulfide.....	2	12
Ammonia.....	100	70
Amyl acetate.....	200	1,050
Amyl alcohol (isoamyl alcohol).....	100	360

<sup>1</sup> Parts of vapor or gas per million parts of air by volume.

<sup>2</sup> Approximate milligrams per cubic meter of air.

## RECOMMENDED VALUES—Continued

## GASES AND VAPORS—continued

Substance	P.p.m. <sup>1</sup>	Approx. mg. per cu. m. <sup>2</sup>
Aniline.....	5	19
Arsine.....	0.05	0.2
Benzene (benzol).....	25	80
Benzyl chloride.....	1	5
Bromine.....	0.1	0.7
Butadiene (1,3-butadiene).....	1,000	2,200
Butanone (methyl ethyl ketone).....	250	740
Butyl acetate (n-butyl acetate).....	200	950
Butyl alcohol (n-butanol).....	100	300
Butylamine.....	5	15
Butyl cellosolve (2-butoxyethanol).....	50	240
Carbon dioxide.....	5,000	9,000
Carbon disulfide.....	20	60
Carbon monoxide.....	100	110
Carbon tetrachloride.....	25	160
Cellosolve (2-ethoxyethanol).....	200	740
Cellosolve acetate (2-ethoxyethyl acetate).....	100	540
Chlorine.....	1	3
Chlorine trifluoride.....	0.1	0.4
Chlorobenzene (monochlorobenzene).....	75	350
Chloroform (trichloromethane).....	50	240
1-chloro-1-nitropropane.....	20	100
Chloropierin.....	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene).....	25	90
Cresol (all isomers).....	5	22
Cyclohexane.....	400	1,400
Cyclohexanol.....	100	410
Cyclohexanone.....	100	400
Cyclohexene.....	400	1,350
Cyclopropane.....	400	690
Decaborane.....	0.05	0.3
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone).....	50	240
Diborane.....	0.1	0.1
o-Dichlorobenzene.....	50	300
Dichlorodifluoromethane.....	1,000	4,950
1,1-Dichloroethane.....	100	400
1,2-Dichloroethane (ethylene dichloride).....	100	400
1,2-Dichloroethylene.....	200	790
Dichloroethyl ether.....	15	90
Dichloromonofluoromethane.....	1,000	4,200
1,1-Dichloro-1-nitroethane.....	10	60
Dichlorotetrafluoroethane.....	1,000	7,000
Diethylamine.....	25	75
Difluorodibromomethane.....	100	850
Diisobutyl ketone.....	50	290
Dimethylaniline (N-dimethylaniline).....	5	25
Dimethylsulfate.....	1	5
Dioxane (diethylene dioxide).....	100	360
Ethyl acetate.....	400	1,400
Ethyl acrylate.....	25	100
Ethyl alcohol (ethanol).....	1,000	1,900
Ethylamine.....	25	45
Ethylbenzene.....	200	870
Ethyl bromide.....	200	890
Ethyl chloride.....	1,000	2,600
Ethyl ether.....	400	1,200
Ethyl formate.....	100	300
Ethyl silicate.....	100	850
Ethylene chlorohydrin.....	5	16
Ethylenediamine.....	10	80
Ethylene dibromide (1,2-dibromomethane).....	25	190
Ethylene imine.....	5	9
Ethylene oxide.....	50	90
Fluorine.....	0.1	0.2
Fluorotrichloromethane.....	1,000	5,600
Formaldehyde.....	5	6
Furfural.....	5	20
Gasoline.....	500	2,000
Heptane (n-heptane).....	500	2,000
Hexane (n-hexane).....	500	1,800
Hexanone (methyl butyl ketone).....	100	410
Hydrazine.....	1	1.3
Hydrogen bromide.....	5	17
Hydrogen chloride.....	5	7
Hydrogen cyanide.....	10	11
Hydrogen fluoride.....	3	2
Hydrogen peroxide, 90%.....	1	1.4
Hydrogen selenide.....	0.05	0.2
Hydrogen sulfide.....	20	30
Iodine.....	0.1	1
Isophorone.....	25	140
Isopropylamine.....	5	12
Mesityl oxide.....	25	100
Methyl acetate.....	200	610
Methyl acetylene.....	1,000	1,650
Methyl acrylate.....	10	35
Methyl alcohol (methanol).....	200	260
Methyl bromide.....	20	80
Methyl cellosolve (2-methoxyethanol).....	25	80
Methyl cellosolve acetate (ethylene glycol monomethyl ether acetate).....	25	120
Methyl chloride.....	100	210
Methylal (dimethoxymethane).....	1,000	3,100
Methyl chloroform (1,1,1-trichloroethane).....	500	2,700

## RECOMMENDED VALUES—Continued

## GASES AND VAPORS—continued

Substance	P.p.m. <sup>1</sup>	Approx. mg. per cu. m. <sup>2</sup>
Methyleyclohexane.....	500	2,000
Methyleyclohexanol.....	100	470
Methyleyclohexanone.....	100	460
Methyl formate.....	100	250
Methyl isobutyl carbinol (methyl amyl alcohol).....	25	100
α-Methylstyrene.....	100	480
Methylene chloride (dichloromethane).....	500	1,750
Monomethyl aniline.....	2	9
Naphtha (coal tar).....	200	800
Naphtha (petroleum).....	500	2,000
Nickel carbonyl.....	0.001	0.007
Nitric acid.....	10	25
p-Nitroaniline.....	1	5
Nitrobenzene.....	1	5
Nitroethane.....	100	310
Nitrogen dioxide.....	5	9
Nitroglycerin.....	0.5	5
Nitromethane.....	100	250
2-Nitropropane.....	50	180
Nitrotoluene.....	5	30
Octane.....	500	2,350
Ozone.....	0.1	0.2
Paradichlorobenzene.....	75	450
Pentane.....	1,000	2,950
Pentanone (methyl propyl ketone).....	200	700
Perchloroethylene (tetrachloroethylene).....	200	1,350
Phenol.....	5	19
Phenylhydrazine.....	5	22
Phosgene (carbonyl chloride).....	1	4
Phosphine.....	0.05	0.07
Phosphorus trichloride.....	0.5	3
Propyl acetate.....	200	840
Propyl alcohol (isopropyl alcohol).....	400	980
Propyl ether (isopropyl ether).....	500	2,100
Propylene dichloride (1,2-dichloropropane).....	75	350
Propylene imine.....	25	60
Propylene oxide.....	100	240
Pyridine.....	10	30
Quinone.....	0.1	0.4
Stibine.....	0.1	0.5
Stoddard solvent.....	500	2,900
Styrene monomer (phenylethylene).....	400	420
Sulfur dioxide.....	5	13
Sulfur hexafluoride.....	1,000	6,000
Sulfur monochloride.....	1	6
Sulfur pentafluoride.....	0.025	0.25
Tertiary butyl alcohol.....	100	300
p-Tertiary butyl toluene.....	10	60
1,1,2,2-Tetrachloroethane.....	5	35
Tetrahydrofuran.....	200	590
Tetranitromethane.....	1	8
Toluene (Toluol).....	200	750
o-Toluidine.....	5	22
Toluene-2,4-diisocyanate.....	0.1	0.7
Trichloroethylene.....	200	1,050
Triethylamine.....	25	100
Trifluoromonobromomethane.....	1,000	6,100
Turpentine.....	100	560
Vinyl chloride (chloroethylene).....	500	1,300
Vinyl toluene.....	100	480
Xylene (xylol).....	200	870
Xylidine.....	5	25

## TOXIC DUSTS, FUMES AND MISTS

Substance	Mg. per cu. m. <sup>3</sup>
Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene).....	0.25
Ammonium sulfate.....	15
Antimony.....	0.5
ANTU (alpha-naphthyl-thiourea).....	0.3
Arsenic.....	0.5
Barium (soluble compounds).....	0.5
Beryllium.....	2 μm <sup>3</sup>
Cadmium oxide fume.....	0.1
Calcium arsenate.....	0.1
Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindane).....	2
Chlorinated camphene, 60%.....	0.5
Chlorinated diphenyl oxide.....	0.5
Chlorodiphenyl (42% chlorine).....	1
Chlorodiphenyl (54% chlorine).....	0.5
Chromic acid and chromates (as CrO <sub>3</sub> ).....	0.1
Crag herbicide (sodium 2-[2,4-dichlorophenoxy]ethanol hydrogen sulfate).....	15
Cyanide (as CN).....	5
2,4-D (2,4-dichlorophenoxyacetic acid).....	10
DDT (2,2-bis[4-chlorophenyl]-1,1,1-trichloroethane).....	1

<sup>3</sup> Milligrams of dust, fume, or mist per cubic meter of air.

## RECOMMENDED VALUES—Continued

## TOXIC DUSTS, FUMES AND MISTS—continued

Substance	Mg. per cu. m. <sup>3</sup>
Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-dimethanonaphthalene).....	0.25
Dinitrobenzene.....	1
Dinitrotoluene.....	1.5
Dinitro-cresol.....	0.2
EPN (O-ethyl O-p-nitrophenyl thionobenzenephosphonate).....	0.5
Ferbam (ferric dimethyl dithiocarbamate).....	15
Ferrovandium dust.....	1
Fluoride.....	2.5
Hydroquinone.....	2
Iron oxide fume.....	15
Lead.....	0.2
Lead arsenate.....	0.15
Lindane (hexachlorocyclohexane, gamma isomer).....	0.5
Magnesium oxide fume.....	15
Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate).....	15
Manganese.....	6
Mercury.....	0.1
Mercury (organic compounds).....	0.01
Methoxychlor (2,2-di-p-methoxyphenyl-1,1,1-trichloroethane).....	15
Molybdenum: (Soluble compounds).....	5
(Insoluble compounds).....	15
Nicotine.....	0.5
Parathion (0,0-diethyl O-p-nitrophenyl thiophosphate).....	0.1
Pentachloronaphthalene.....	0.5
Pentachlorophenol.....	0.5
Phosphorus (yellow).....	0.1
Phosphorus pentachloride.....	1
Phosphorus pentasulfide.....	1
Picric acid.....	0.1
Pyrethrum.....	2
Rotenone.....	5
Selenium compounds (as Se).....	0.1
Sodium fluoroacetate (1080).....	0.1
Sodium hydroxide.....	2
Strychnine.....	0.15
Sulfuric acid.....	1
TEDP (tetraethyl dithionopyrophosphate).....	0.2
TEPP (tetraethyl pyrophosphate).....	0.05
Tellurium.....	0.1
Tetryl (2,4,6-trinitrophenylmethylnitramine).....	1.5

<sup>3</sup> Milligrams of dust, fume, or mist per cubic meter of air.

## RECOMMENDED VALUES—Continued

## TOXIC DUSTS, FUMES, AND MISTS—continued

Substance	Mg. per cu. m. <sup>3</sup>
Thiram (tetramethyl thiuram disulfide).....	5
Thallium (soluble compounds).....	0.1
Titanium dioxide.....	15
Trichloronaphthalene.....	5
Trinitrotoluene.....	1.5
Uranium: (Soluble compounds).....	0.05
(Insoluble compounds).....	0.25
Vanadium: (V <sub>2</sub> O <sub>5</sub> dust).....	0.5
(V <sub>2</sub> O <sub>5</sub> fume).....	0.1
Warfarin (3-[acetonylbenzyl]-4-hydroxycoumarin).....	0.5
Zinc oxide fumes.....	15
Zirconium compounds (as Zr).....	5

Radioactivity: For permissible concentrations of radioisotopes in air, see "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water," Handbook 52, U.S. Department of Commerce, National Bureau of Standards, March, 1953. In addition, see "Permissible Dose from External Sources of Ionizing Radiation," Handbook 59, U.S. Department of Commerce, National Bureau of Standards, September 24, 1954.

Revision of the two publications mentioned above is in progress.

## MINERAL DUSTS

Substance	M.p.p.c.f. <sup>4</sup>
Aluminum oxide.....	50
Asbestos.....	5
Dust (nuisance, no free silica).....	50
Mica (below 5% free silica).....	20
Portland cement.....	50
Talc.....	20
Silica: High (above 50% free SiO <sub>2</sub> ).....	5
Medium (5 to 50% free SiO <sub>2</sub> ).....	20
Low (below 5% free SiO <sub>2</sub> ).....	50
Silicon carbide.....	50
Soapstone (below 5% free SiO <sub>2</sub> ).....	20

<sup>4</sup> Millions of particles per cubic foot of air.

## TENTATIVE VALUES

Substance	P.p.m. <sup>5</sup>	Approx. mg. per cu. m. <sup>6</sup>
Allyl glycidyl ether (AGE).....	10	45
Boron trifluoride.....	1	3
n-Butyl glycidyl ether (BGE).....	50	270
Butyl mercaptan.....	10	35
Chlorine dioxide.....	0.1	0.3
Chloroacetaldehyde.....	1	3
Chlorobromomethane ClBrCH <sub>2</sub> .....	400	2,100
Diallyl glycidyl ether (DGE).....	10	55
Dimethyl formamide.....	20	60
1,1-Dimethyl hydrazine.....	0.5	1
Dipropylene glycolmethyl- ether.....	100	600
Ethyl mercaptan.....	250	640
Furfuryl alcohol.....	50	200
Glycidol.....	50	150
Sec-Hexyl acetate.....	100	590
Isopropyl glycidyl ether (IGE).....	50	240
Lithium hydride.....	50	25/m <sup>3</sup>
Methyl mercaptan.....	50	100
Perchloromethyl mercaptan.....	0.1	0.8
Phenyl glycidyl ether (PGE).....	50	310
Phosphoric acid.....	1	1
n-Propyl nitrate.....	25	110
1,2,3-Trichloropropane.....	50	300
Triorthocresyl phosphate.....	5	0.1
Yttrium and inorganic compounds.....	5	5
Teflon decomposition products.....	(?)	(?)
Pentaborane (B <sub>5</sub> H <sub>9</sub> ).....	(?)	(?)

<sup>5</sup> Parts of vapor or gas per million parts of air by volume.

<sup>6</sup> Approximate milligrams per cubic meter of air.

<sup>7</sup> Until more data are forthcoming, it is important that atmospheric concentrations of these materials to which workers are exposed must be kept as near 0 as possible.

This amendment shall become effective March 21, 1960.

Signed at Washington, D.C., this 12th day of February 1960.

JAMES T. O'CONNELL,  
Acting Secretary of Labor.

[F.R. Doc. 60-1497; Filed, Feb. 19, 1960; 8:45 a.m.]









# FEDERAL REGISTER

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## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 9—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

On September 18, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 7551) that the Secretary of Labor proposed to amend Subtitle A, 29 Code of Federal Regulations by adding thereto a new Part 9 promulgating safety and health regulations for longshoring pursuant to amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 33 U.S.C. 941).

In order that interested persons have opportunity to participate in the rule making process by submission of oral and written data, views and arguments, public hearings for this purpose were held on the proposed regulations at Chicago, Illinois, San Francisco, California, New Orleans, Louisiana, and New York, New York on October 8, October 13, October 26, and November 2, 1959, respectively. After each such hearing, interested parties were afforded copies of the transcript of each hearing and afforded opportunity for the submission of written comments. The time for filing such comments expired December 1, 1959, and the transcript of each hearing, exhibits, written submissions and posthearing proposals and supporting reasons were duly certified by the hearing examiners to the Secretary of Labor on December 8, 1959.

Representatives of 29 employers in the industry, 18 trade associations, 7 labor organizations and the Department of the Navy and the United States Coast Guard participating in the proceedings submitted data, views and arguments. After consideration of all relevant matter submitted, and other information and materials within my official cognizance, I conclude that the proposed regulations, as hereinafter amended, should be adopted.

The basis and purpose of these regulations is that stated in § 9.1 of Subpart A of the regulations which follow.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60

Stat. 238; 5 U.S.C. 1003), and under authority of Public Law 85-742 (72 Stat. 835), amending section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 144; 33 U.S.C. 941), and R.S. 161 (5 U.S.C. 22), Subtitle A of 29 Code of Federal Regulations, is hereby amended by adding thereto a new Part 9 to read as follows:

#### Subpart A—General Provisions

- Sec. 9.1 Purpose and authority.
- 9.2 Scope and responsibility.
- 9.3 Definitions.
- 9.4 Penalty.
- 9.5 Variation from the regulations of this part.
- 9.6 Reference specifications, standards, and codes.
- 9.7 Amendment of this part.

#### Subpart B—Gangways and Gear Certification

- 9.11 Gangways.
- 9.12 Gear certification.

#### Subpart C—Means of Access

- 9.21 Gangways and other means of access.
- 9.22 Jacob's ladders.
- 9.23 Access to barges and river towboats.
- 9.24 Bridge plates and ramps.
- 9.25 Ladders in cargo spaces.

#### Subpart D—Working Surfaces

- 9.31 Hatch coverings.
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AUTHORITY: §§ 9.1 to 9.105 and Appendix I, issued under Public Law 85-742, 72 Stat. 835 (amending 44 Stat. 1444, 33 U.S.C. 941), and R.S. 161, 5 U.S.C. 22.

#### Subpart A—General Provisions

##### § 9.1 Basis and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85-742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment

used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85-742.

(b) Pursuant to Public Law 85-742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1-1388, *passim*), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

#### § 9.2 Scope and responsibility.

(a) The responsibility for compliance with these regulations is placed upon employers any of whose employees are engaged in longshoring operations and related employments aboard any vessel upon the navigable waters of the United States where an injury to such employees would be within the jurisdiction of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901, et seq.) as amended. It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

#### § 9.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments as defined herein within the Federal maritime jurisdiction on the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, other than the

master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For purposes of §§ 9.11, 9.23, 9.35 and 9.37, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 9.11 and 9.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulling" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

#### § 9.4 Penalty.

(a) As provided in Public Law 85-742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$100 nor more than \$3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than \$100 nor more than \$3,000. The liability under this provision of Public

Law 85-742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

#### § 9.5 Variation from the regulations of this part.

(a) As provided in Public Law 85-742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

#### § 9.6 Reference specifications, standards, and codes.

(a) Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part, as listed below, to the extent specified in the text, form a part of these regulations:

Convention Concerning the Protection Against Accidents to Workers Loading or Unloading Ships, International Labor Organization, Convention No. 32 (Revised, 1932). Subpart B, § 9.12(a).

Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois. Subpart G, § 9.69(d).

American Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, American Standards Association, Incorporated, 70 East 45th Street, New York 17, N.Y. Subpart J, §§ 9.101(a), 9.105(a).

#### § 9.7 Amendment of this part.

(a) The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

#### Subpart B—Gangways and Gear Certification

##### § 9.11 Gangways.<sup>1</sup>

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking sur-

<sup>1</sup> See also § 9.21.

face, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 9.22 may be used.

(b) Each side of such gangway, and the turntable if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

#### § 9.12 Gear certification.\*

(a) The employer shall not use the ship's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates indicating that the cargo gear has been tested, examined and annealed in accordance with the requirements of International Labor Organization Convention No. 32. A description of the cargo gear register and sample forms of certificates recommended by the ILO are contained in Appendix I.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) This section shall take effect 180 days after the effective date of the regulations of this part.

### Subpart C—Means of Access

#### § 9.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

#### § 9.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

#### § 9.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 9.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 9.22 may be used.

(c) When a barge, raft or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 9.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

#### § 9.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

#### § 9.25 Ladders in cargo spaces.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 9.22 may be used.

(d) When cargo is stowed within four inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

### Subpart D—Working Surfaces

#### § 9.31 Hatch coverings.

(a) No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is safely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across the hatch.

(b) Cargo shall not be landed on or handled over a covered hatch or tween deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

#### § 9.32 Stowed cargo and temporary landing platforms.

(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of persons falling, the edge shall be guarded by a line, safety net or railing.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

#### § 9.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deck loads from rail to coaming unless there is a safe passage.

(c) Ladders of adequate strength and secured against shifting or slipping shall be provided, when necessary, to obtain safe access from the top of a deck load to the winches and hatch ladders.

#### § 9.34 Skeleton decks.

(a) No cargo shall be worked on a skeleton deck, mechano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

\* See also § 9.51.

## RULES AND REGULATIONS

**§ 9.35 Open hatches.**

(a) Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked, *Provided, however*, That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

**§ 9.36 Weather deck rails.**

(a) Removable weather deck railings shall be kept in place except when cargo operations require them to be unshipped, in which case they shall be replaced as soon as such cargo operations are completed. When cargo operations are temporarily suspended, a line shall be stretched across the opening in the rail.

**§ 9.37 Sides of barges.**

(a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

**§ 9.38 Freshly oiled decks.**

(a) If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshoring operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

**Subpart E—Opening and Closing Hatches****§ 9.41 Coaming clearances.**

(a) *Weather deck.* (1) If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling strongbacks and hatch covers are not protected by the full height of the coaming, a taut handline, triced back at intervals, shall be provided for their protection.

(b) *Intermediate deck.* (1) Before intermediate deck hatch covers and strongbacks are removed, there shall be a 3 foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship strongbacks, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in unusual cases.

(2) The 3 foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch.

(c) *Trunk hatches.* (1) When trunk bulkheads are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling strongbacks and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3 foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

**§ 9.42 Beam and pontoon bridles.**

Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting of protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams or strongbacks shall be equipped with toggles, shackles, or other safe devices. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed. Hooks may be used only when they are hooked into the standing part of the bridle.

(c) Bridles used for lifting pontoons shall have the number of legs required by the design of the pontoon, and all legs shall be used.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

**§ 9.43 Handling beams and covers.**

Paragraphs (a) through (g) of this section do not apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a) When hatch covers are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet to the hatch coaming and not higher than the coaming on the working side of the deck, or spread one high between coaming and rail with no space between them.

(b) Strongbacks shall be laid on their sides, or stood on edge close together and lashed.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) The beam or pontoon left in place adjacent to a section through which cargo is being worked shall be lashed, locked or otherwise secured.

(f) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(g) When a weather deck hatch is to be covered, hatch covers or night

tents shall be used. Any partial hatch covering, such as the use of alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

**Subpart F—Ship's Cargo Handling Gear****§ 9.51 General requirements.<sup>3</sup>**

(a) The working load for each set of gear shall not exceed the safe working load for that gear as marked on the boom. In the absence of markings of the safe working load on the boom, the safe working load for each set of gear as specified by the cargo gear register shall not be exceeded.

(b) Cargo handling gear, any part of which is visibly unsafe, shall not be used until such part is made safe.

**§ 9.52 Specific requirements.**

Gear which does not comply with the following requirements shall not be used:

(a) *Preventers.* (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(b) *Stoppers.* (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, stoppers shall be shackled or otherwise secured in such a manner that links are not bent around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) *Falls.* (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on

<sup>3</sup> See also § 9.12



the drum that the control mechanism moves in the same direction as the load.

(d) *Heel blocks.* (1) If, because of the position of the winch controls, the winch driver is in the bight formed by the heel block, a preventer of at least 3/4-inch wire rope, rove reasonably snug and secured by such means as will develop at least eighty (80) percent of the strength of the rope, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block.

(e) *Coaming rollers.* When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than 2 feet from it.

#### § 9.53 Winches.

(a) *General.* (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(b) *Steam winches.* (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(5) When winches are left unattended, control levers shall be secured in the neutral position.

(c) *Electric winches.* (1) When the electro-magnetic brake is unable to hold the load, the winch shall not be used.

(2) Winches shall not be used when one or more control points, either hoisting or lowering, is not operating properly. Employees shall not be permitted to tamper with or adjust electric control circuits.

#### § 9.54 Rigging gear.

(a) When alternate positions for securing guys are provided, the guys shall be so placed as to produce a minimum stress without permitting the boom to jackknife.

(b) The head of the midship boom shall be spotted no farther outboard of the coaming than is necessary for control of the load.

(c) When preventers are used, they shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running gear.

(e) When it is impractical to lower booms for changing gear or making repairs and it is necessary for the employer to send an employee aloft in a boat-swain's chair, the chair shall be hoisted by hand power only.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulwark or rail, employees shall not be permitted to go overside unless adequate

precautions are taken to prevent them from falling.

### Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

#### § 9.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe.




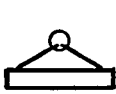
(b) Special stevedoring gear, the strength of which depends upon components other than the commonly used shackles, ropes or chains, shall be tested to twice its safe working load before initially being put into use. The employer shall maintain a record of the dates and results of such tests.

(c) The safe working load of gear as specified in §§ 9.62 through 9.66 shall not be exceeded.

#### § 9.62 Manila rope and manila rope slings.

(a) Table G-1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G-1  
MANILA ROPE  
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
					
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

#### § 9.63 Wire rope and wire rope slings.




(a) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

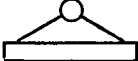


## RULES AND REGULATIONS

TABLE G-2  
 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE,  
 WIRE ROPE AND WIRE ROPE SLINGS  
 (In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.
(A) - Socket or Swaged Terminal attachment. (B) - Mechanical Sleeve attachment. (C) - Hand Tucked Splice attachment.						

TABLE G-3  
 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE  
 CORE, WIRE ROPE SLINGS  
 (In tons of 2000 pounds)

TWO - LEG BRIDLE OR BASKET HITCH												
Rope Dia. Inches	Vertical			30° 			45° 			60° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.
(A) - Socket or Swaged Terminal Attachment. (B) - Mechanical Sleeve Attachment. (C) - Hand Tucked Splice Attachment.												

TWO - LEG BRIDLE OR BASKET HITCH												
Rope Dia. Inches	Vertical			30° 			45° 			60° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.

(B) - Mechanical Sleeve attachment.

(C) - Hand Tucked Splice attachment.

## RULES AND REGULATIONS

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

TABLE G-6  
NUMBER AND SPACING OF "U" BOLT WIRE ROPE CLIPS

Rope diameter, inches	Improved plow steel	Minimum spacing, inches
1/2	4	3
5/8	4	3 3/4
3/4	5	4 1/2
7/8	5	5 1/4
1	6	6
1 1/8	6	6 3/4
1 1/4	7	7 1/2
1 3/8	7	8 1/4
1 1/2	8	9

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

#### § 9.64 Chains and chain slings.

(a) Tables G-7 and G-8 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9, has been reached.

TABLE G-7  
WROUGHT IRON CHAIN  
(In pounds or tons of 2000 pounds)

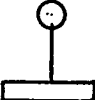
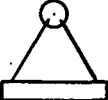


Nominal Size Chain Stock Inch.	Single Leg 	60° 	45° 	30° 
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6
* These sizes of wrought iron chain are no longer manufactured in the United States.				

TABLE G-8  
ALLOY STEEL CHAIN  
(In tons of 2000 pounds)




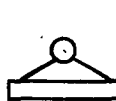
Nominal Size Chain Stock Inch.	Single Leg 	60° 	45° 	30° 
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9  
MAXIMUM ALLOWABLE WEAR AT ANY  
POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
14 (942)-----	3/64
3/8-----	5/64
1/2-----	7/64
5/8-----	9/64
3/4-----	5/32
7/8-----	11/64
1-----	3/16
1 1/8-----	7/32
1 1/4-----	1/4
1 3/8-----	9/32
1 1/2-----	5/16
1 3/4-----	11/32

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

#### § 9.65 Shackles.

(a) Table G-10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES  
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/2-----	5/8	1.4
5/8-----	3/4	2.2
3/4-----	7/8	3.2
7/8-----	1	4.3
1-----	1 1/8	5.6
1 1/8-----	1 1/4	6.7
1 1/4-----	1 3/8	8.2
1 3/8-----	1 1/2	10.0
1 1/2-----	1 5/8	11.9
1 3/4-----	2	16.2
2-----	2 1/4	21.2

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

#### § 9.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

#### § 9.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings shall be bolts and nuts, drive screws (helically threaded nails) or annular threaded nails.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

#### § 9.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

#### § 9.69 Powered conveyors.

(a) The motor frame of electrically powered conveyors and grain trimmers shall be grounded either through a third wire in the cable containing the circuit

conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Readily accessible stop controls shall be provided for use in an emergency.

(d) Electric motors and controls on grain trimmers shall be of the explosion-proof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(e) All conveyor and grain trimmer drives which create a hazard shall be adequately guarded.

(f) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(g) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap.

#### § 9.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

#### § 9.71 Rain tents.

(a) When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

#### § 9.72 Tools.

(a) *Hand tools.* (1) Employers shall not issue or permit the use of unsafe hand tools.

(b) *Portable electric tools.* (1) The frames of portable electric tools shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(2) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(3) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in a closed position.

(4) All portable, power-driven circular saws shall be equipped with guards

above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

#### § 9.73 Mechanically-powered vehicles.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except that where the construction of the truck is such that the presence of an overhead guard would prevent the truck from operating in areas of restricted height, the guard may be removed during such operation.

(b) No load on a lift truck or industrial crane truck shall be suspended or swung over any employee.

(c) When lift trucks are used in intermediate decks, provisions shall be made to ensure that the working surface can support the truck and load and that hatch covers cannot be dislodged by movement of the truck.

(d) The rated capacity and weight of all lift trucks shall be posted on the vehicle in such a manner that they are readily visible to the operator. Loads in excess of the rated capacity shall not be lifted, carried or moved by lift trucks. If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

#### § 9.74 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

### Subpart H—Handling Cargo

#### § 9.81 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the ship's gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped

dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

#### § 9.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

#### § 9.83 Tying and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure the safety of any employee working alone in a tank or cargo compartment.

#### § 9.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms of vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

### Subpart I—General Working Conditions

#### § 9.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridles, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate working areas, or shall be so stowed as not to constitute a tripping or stumbling hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

#### § 9.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Portable lights shall not be suspended from their electric cords, unless cords and lights are designed for this means of suspension.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winchdrivers or hatchtenders.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

#### § 9.93 Ventilation and atmospheric conditions.

(a) When internal combustion engines exhaust into the hold or intermediate deck, and neither natural ventilation nor the ship's ventilating system is adequate to keep the carbon monoxide content of the atmosphere in the hold or intermediate deck below 100 parts per million, the employer shall use blowers sufficient in size and number and so arranged as to do so. The intakes of blowers shall be adequately guarded by screens.

(b) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(c) Before employees are permitted to enter or work in stowage spaces or tanks in which explosive, poisonous, noxious or gaseous cargoes have been carried or are stowed, or in which dry ice has been used as a refrigerant, or which have been fumigated, or in which there is a possibility of oxygen deficiency, the employer shall ascertain from the officer

\* 46 CFR Parts 146-147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.



in charge of the vessel the conditions of the work place with respect to atmospheric contaminants.

(d) When it is ascertained from the officer in charge of the vessel that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained from the officer in charge of the vessel that the atmosphere in which employees would be working contains gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 9.102 (a) and (b). Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 9.102 (a) and (c).

#### § 9.94 Sanitation and drinking water.

(a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.

(b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

#### § 9.95 Longshoring operations in the vicinity of repair and maintenance work.

(a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.

(b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

(c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal or sparks from electric arc or gas welding.

(d) Longshoring operations shall not be carried on where employees are ex-

posed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

#### § 9.96 First aid and life saving equipment.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit is required. The kit shall be kept close to the vessel, and at least one employee close at hand shall be qualified to administer first aid.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.  
Gauze compress bandages, 4 inch.  
Adhesive bandages, 1 inch.  
Triangular bandage, 40 inch.  
Ammonia inhalants and ampules.  
Antiseptic applicators or swabs.  
Burn dressing.  
Eye dressing.  
Wire or thin board splints.  
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridges for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels. This regulation does not apply where the ambulance services carry such stretchers.

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch life ring with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom or car float alongside a ship, a U.S. Coast Guard approved 30-inch life ring with not less than 90 feet of line shall be provided for each floating unit being worked.

(f) When employees are working on log booms or cribs, lifelines shall be furnished and hung overside to the water's edge.

#### § 9.97 Qualifications of machinery operators.

(a) Only those employees who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

(c) No minor under 18-years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

### Subpart J—Personal Protective Equipment

#### § 9.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1.

(b) Eye protection equipment shall be maintained in good condition.

(c) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

#### § 9.102 Respiratory protection.

(a) *General.* (1) Except as provided in paragraph (c) of this section, all respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) *Protection against gaseous contaminants not immediately dangerous to life.* (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups

of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) *Protection against dusts.* (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

#### § 9.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned and disinfected before it is issued by the employer to another employee.

#### § 9.104 Foot protection.

(a) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

#### § 9.105 Head protection.

(a) When employees are handling cargoes of scrap metal and bulk ores which contain ore in a chunky form, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z-2.1.

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

#### APPENDIX I

##### CARGO GEAR REGISTER AND CERTIFICATES

The cargo gear register, designated Form I by the ILO, is a booklet containing instructions and forms on which the following information is recorded:

Part I. Annual Inspection and Quadrennial Thorough Examination of Derricks and Permanent Attachments (including Bridle Chains) to the Derricks, Masts and Decks.

Part II. Annual Thorough Examination of

Cranes, Winches, Hoists, and Accessory gear other than Derricks and Permanent Attachments Thereto.

Part III. Annual Thorough Examination of Gear which is Exempt from Heat Treatment.

Part IV. Heat Treatment of Chains, Rings, Hooks, Shackles and Swivels which Require such Treatment.

The following are the sample forms of certificates recommended by the ILO.

Test Certificate No. -----

Form No. 2

#### CERTIFICATE OF TEST AND EXAMINATION OF WINCHES, DERRICKS AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by -----)

Name of ship on which machinery is fitted -----

(1)	(2)	(3)	(4)
Situation and description of machinery and gear, with distinguishing number or mark (if any)	Angle to the horizontal of derrick boom while the load was applied (degrees)	Proof load applied (tons)	Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination -----

(6) Position of signatory in public service, association, company, or firm -----

I certify that on the ----- day of -----, 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) -----

(Date) -----

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

#### INSTRUCTIONS

[Reverse of Form 2]

Every winch with the whole of the gear accessory thereto (including derricks, goose-necks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

	Safe working load	Proof load
Up to 20 tons -----	-----	25 percent in excess.
20-50 tons -----	-----	5 tons in excess.
Over 50 tons -----	-----	10 percent in excess.

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. ----- Form No. 3  
CERTIFICATE OF TEST AND EXAMINATION OF CRANES OF HOISTS, AND THEIR ACCESSORY GEAR,  
BEFORE BEING TAKEN INTO USE

(Form prescribed by -----)  
Name of ship on which machinery is fitted -----

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at which the proof load was applied	(3) Proof load applied (tons)	(4) Safe working load (for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination -----

(6) Position of signatory in public service, association, company or firm -----

I certify that on the ----- day of ----- 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

Date ----- (Signature) -----

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	Proof load
Up to 20 tons-----	25 percent in excess.
20-50 tons-----	5 tons in excess.
Over 50 tons-----	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. ----- Form No. 4  
CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND  
PULLEY BLOCKS

(Form prescribed by -----)

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

\*The dimensions of the gear, the type of material of which it is made and, where applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers -----

(8) Name and address of public service, association, company or firm making the test and examination -----

(9) Position of signatory in public service, association, company or firm -----

I certify that on the ----- day of ----- 19--, the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Date) ----- (Signature) -----

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear	Proof load
Chain, ring, hook, shackle or swivel -----	100 percent in excess of the safe working load.

Pulley blocks:

Single-sheave block -----	300 percent in excess of the safe working load.
Multiple-sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple-sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple-sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.

Certificate No. \_\_\_\_\_ Form No. 6  
 CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH  
 REQUIRE SUCH TREATMENT  
 (Form prescribed by \_\_\_\_\_)

(1) Distinguish- ing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat- treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

\*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufac-  
 ture should be stated.

(8) Name and address of public service, association, company or firm carrying out the  
 heat treatment and inspection -----  
 (9) Position of signatory in public service, association, company or firm -----  
 I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4  
 was heat-treated (indicated in Column 6) under my supervision; that after being so  
 heat-treated every article was carefully inspected, and that no defects affecting its safe  
 working condition were found other than those indicated in Column 7.  
 (Signature) -----  
 (Date) -----

NOTES: "Competent person" means a person acceptable as such to the competent author-  
 ity in the country of issue of the certificate.  
 For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS  
 ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles  
 and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the  
 following intervals:

	If used on lift- ing machinery driven by power	If used solely on lifting ma- chinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months.....	12 months.....
All other chains, rings, hooks, shackles and swivels in general use.....	12 months.....	2 years.

Article of gear Proof load  
 Pitched chains used with hand-operated 50 percent in excess of the safe working  
 pulley blocks and rings, hooks, shackles or load.  
 swivels permanently attached thereto.  
 Hand-operated pulley blocks used with pitched 50 percent in excess of the safe working  
 chains and rings, hooks, shackles or swivels load.  
 permanently attached thereto.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley  
 blocks being removed for the purpose, to see whether any part has been damaged or per-  
 manently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. \_\_\_\_\_ Form No. 5  
 CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE  
 (Form prescribed by -----)

Name and address of maker or supplier of rope -----  
 Circumference/diameter\* of rope -----  
 Number of strands -----  
 Number of wires per strand -----  
 Lay -----  
 Quality of wire -----  
 Date of test of sample of rope -----  
 Load at which sample broke -----  
 Safe working load, subject to any stated qualifying conditions such as minimum pulley  
 diameter, direct tensile load, etc -----  
 Name and address of public service, association, company or firm making the examination  
 and test -----  
 Position of signatory in public service, association, company or firm making the examina-  
 tion and test -----  
 I certify that the above particulars are correct, and that the examination and test were  
 carried out by a competent person.  
 (Signature) -----  
 (Date) -----

NOTE: "Competent person" means a person acceptable as such to the competent authority  
 in the country of issue of the certificate.

\* Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe  
 working load of running ropes shall not exceed one-fifth of the breaking load of the  
 sample tested.

## OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Certificate No. \_\_\_\_\_ Form No. 7  
 CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE  
 PERIODICALLY HEAT TREATED  
 (Form prescribed by \_\_\_\_\_)

(1)	(2)	(3)	(4)
Distinguishing number or mark	Description of gear*	Number of certificate of test and examination	Remarks

\*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination \_\_\_\_\_

(6) Position of signatory in public service, association, company or firm \_\_\_\_\_

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Signature) \_\_\_\_\_

(Date) \_\_\_\_\_

Notes: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

[Reverse of Form No. 7]

## INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:

Plate-link chains.

Pitched chains.

Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.

Hooks and swivels having ball bearings or other case-hardened parts.

Bordeaux connections.

Other gear exempted by the competent authority, as follows:

NOTE: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

This amendment shall become effective March 21, 1960.

Signed at Washington, D.C., this 12th day of February 1960.

JAMES T. O'CONNELL,  
 Acting Secretary of Labor.

[F.R. Doc. 60-1496; Filed, Feb. 19, 1960; 8:45 a.m.]

